1082. By Mr. HUGH D. SCOTT, JR.: Petition of the Pennsylvania Society, Sons of the American Revolution, for an independent and impartial investigation of the interstate traffic in subversive textbooks and teaching materials; to the Committee on Rules.

1083. By Mr. SMITH of Wisconsin: Resolution of the Northwest District Dental Society, asking the Congress not to enact any legislation which will hamper freedom, such as the current proposals for compulsory health insurance; to the Committee on Interstate and Foreign Commerce.

1084. By the SPEAKER: Petition of the Department of Water and Power of the City of Los Angeles, Calif., requesting the adoption of Senate Joint Resolution 4 and House Joint Resolution 3, authorizing a suit in the United States Supreme Court to adjudicate the respective rights of the States of Arizona, Nevada, and California to the use of the water of the Colorado River; to the Committee on the Judiciary.

1085. Also, petition of Edward F. Swenson and others, Whitestone, N. Y., stating the necessity for and requesting the passage of H. R. 2917, which would provide cars for blinded veterans; to the Committee on Veterans' Affairs.

1086. Also, petition of Sisterhood of the Spanish and Portuguese Synagogue, New York, N. Y., requesting that the Congress reject any plan for calendar reform which includes a blank-day device; to the Committee on Foreign Affairs.

1087. Also, petition of American ORT Federation, New York, N. Y., relative to the enunciation and implementation of the United States policy of support to Israel and expressing gratification by the American ORT Federation; to the Committee on Foreign Affairs.

1088. Also, petition of Mrs. Hilda Alto and others, Rapid City, S. Dak., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1089. Also, petition of Mrs. K. E. Fraley and others, Tampa, Fla., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1090. Also, petition of Mrs. Agnes G. Shankle, General Welfare Federation of America, Washington, D. C., transmitting two petitions, containing 75 names, for L. Everett Gest, General Welfare of America Club for the State of New Jersey, requesting legislation to increase social-security and old-age benefits and the lowering of the retirement age to 60 years; to the Committee on Ways and Means.

SENATE

THURSDAY, JUNE 16, 1949

(Legislative day of Thursday, June 2, 1949)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of all mercies, at this ancient altar of dedication to the things unseen and eternal we bow with the confident assurance that the faith of the founding fathers is living still in this dear land for whose dream of freedom they were willing to dare and to die. Spirit of Life, in this new dawn give us the faith that follows on. Thou hast called us to play our part in one of the creative hours of human history. Help us so to speak and so to act in this day of destiny that tomorrow we may live unashamed with our memories. Across the debris of ancient wrongs may our glad eyes see the glory of the coming of the Lord as selfish exploitation makes way for brotherhood and for man. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, June 15, 1949, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On June 15, 1949:

S. 147. An act for the relief of H. Lawrence Hull.

On June 16, 1949:

S. 714. An act to provide for comprehensive planning, for site acquisition in and outside of the District of Columbia, and for the design of Federal building projects outside of the District of Columbia; to authorize the transfer of jurisdiction over certain lands between certain departments and agencies of the United States; and to provide certain additional authority needed in connection with the construction, management, and operation of Federal public buildings; and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S. J. Res. 55) to print the monthly publication entitled "Economic Indicators."

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1338) authorizing the transfer to the United States section, International Boundary and Water Commission, by the War Assets Administration of a portion of Fort Brown, at Brownsville, Tex., and adjacent borrow area, without exchange of funds or reimbursement.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2361) to provide for the reorganization of Government agencies, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4878. An act to authorize certain Government printing, binding, and blank-book work elsewhere than at the Government Printing Office if approved by the Joint Committee on Printing; and

H. R. 5007. An act to provide pay, allowances, and physical disability retirement for members of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, Public Health Service, the Reserve components thereof, the National Guard, and the Air National Guard, and for other purposes.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 19) authorizing the printing of additional copies of prayers offered by the Chaplain, the Reverend Peter Marshall, D. D., at the opening of the daily sessions of the Senate of the United States during the Eightieth and Eighty-first Congresses.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 45. Concurrent resolution authorizing the Committee on Foreign Affairs to procure 2,000 additional copies of its hearings on the bill (H. R. 2362) to amend an act entitled "The Economic Cooperation Act of 1948," approved April 3, 1948; and

H. Con. Res. 57. Concurrent resolution authorizing the Committee on the Judiciary of the House of Representatives to have printed additional copies of the hearings held before said committee on the bills entitled "Amend the Constitution With Respect to Election of President and Vice President."

CALL OF THE ROLL

Mr. LUCAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Humphrey	Morse
Anderson	Hunt	Mundt
Bricker	Ives	Neely
Cain	Jenner	O'Mahoney
Capehart	Johnson, Colo.	Reed
Chapman	Johnson, Tex.	Robertson
Chavez	Johnston, S. C.	Saltonstall
Connally	Kefauver	Schoeppel
Donnell	Kem	Smith, Maine
Douglas	Kerr	Taft
Eastland	Kilgore	Taylor
Flanders	Lodge	Thomas, Utah
Frear	Long	Thye
Gillette	Lucas	Tobey
Graham	McCarthy	Tydings
Green	McClellan	Watkins
Gurney	McFarland	Wherry
Hayden	McKellar	Wiley
Hendrickson	Malone	Withers
Hill	Martin	Young
Hoey	Maybank	
Holland	Miller	

Mr. LUCAS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from California [Mr. DOWNEY], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Georgia [Mr. GEORGE], the Senator from Nevada [Mr. MCCARRAN], the Senator from Rhode Island [Mr. MCGRATH], the Senator from Montana [Mr. MURRAY], the Senator from Pennsylvania [Mr. MYERS], the Senator from Florida [Mr. PEPPER], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Oklahoma [Mr. THOMAS] are detained on official business in meetings of committees of the Senate.

The Senator from Washington [Mr. MAGNUSON] is absent on public business.

The Senator from Connecticut [Mr. MCMAHON] is absent on official business, presiding at a meeting of the Joint Committee on Atomic Energy in connection with an investigation of the affairs of the Atomic Energy Commission.

The Senator from Maryland [Mr. O'CONOR] is absent on official business, having been appointed a delegate to the International Labor Conference at Geneva, Switzerland.

The Senator from Mississippi [Mr. STENNIS] is absent because of illness.

The Senator from New York [Mr. WAGNER] is necessarily absent.

Mr. SALTONSTALL. I announce that the Senator from Connecticut [Mr. BALDWIN] and the Senator from New Jersey [Mr. SMITH] are absent because of illness.

The Senator from Maine [Mr. BREWSTER] is necessarily absent.

The Senator from Montana [Mr. ECTON] is absent on official business.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Oregon [Mr. CORDON], and the Senator from Michigan [Mr. FERGUSON] are detained because of their attendance at a meeting of the Committee on Appropriations.

The Senator from Iowa [Mr. HICKENLOOPER], the Senator from California [Mr. KNOWLAND], the Senator from Colorado [Mr. MILLIKIN], and the Senator from Michigan [Mr. VANDENBERG] are in attendance at a meeting of the Joint Committee on Atomic Energy.

The Senator from Nebraska [Mr. BUTLER] and the Senator from Delaware [Mr. WILLIAMS] are detained because of their attendance at a meeting of the Committee on Finance.

The Senator from North Dakota [Mr. LANGER] is detained at a meeting of the Committee on the Judiciary.

By order of the Senate, the following announcement is made:

The members of the Joint Committee on Atomic Energy are in attendance at a meeting of the said committee in connection with an investigation of the affairs of the Atomic Energy Commission.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. TYDINGS. Mr. President, I ask unanimous consent that the Chair recognize Senators for the presentation of routine matters.

The VICE PRESIDENT. Without objection, it is so ordered.

NOMINATIONS IN THE MILITARY ESTABLISHMENT

Mr. TYDINGS. Mr. President, as in executive session, from the Committee on the Armed Services, I report routine promotions in the military establishment. They come from the committee unanimously. No objection has been made to any of the individuals involved, from any source whatsoever.

The VICE PRESIDENT. Without objection, the nominations will be received.

Mr. TYDINGS. Mr. President, I ask unanimous consent for the immediate consideration of nominations for promotions.

The VICE PRESIDENT. Is there objection?

Mr. WHERRY. Mr. President, reserving the right to object, I will say I am sorry I did not hear all the Senator's statement. Are these routine promotions in the Army?

Mr. TYDINGS. They are routine promotions in the Army, unanimously reported from the Committee on Armed Services. They are promotions in the military establishment, and there was no objection to any of them.

The VICE PRESIDENT. Is there objection to the present consideration of the nominations? The Chair hears none, and without objection, as in executive session, the nominations are confirmed, and the President will be notified.

REORGANIZATION ACT OF 1949—CONFERENCE REPORT

Mr. McCLELLAN. I send to the desk a conference report and ask for its immediate consideration.

The VICE PRESIDENT. The report will be read.

The legislative clerk read the report.

(For conference report, see today's proceedings of the House of Representatives on pp. 7827–7829.)

Mr. WHERRY. Mr. President, does the conference report deal with the reorganization of Government agencies?

Mr. McCLELLAN. It does.

Mr. WHERRY. I understand that one of the points of difference between the two Houses was whether both Houses should be required to vote on a plan of reorganization. Will the Senator from Arkansas please explain to the Senate what agreement was reached by the conferees?

Mr. McCLELLAN. I am very glad to make a brief statement about the matter. Of course, Senators can obtain full information by reading the report.

Members of the Senate will recall that the Senate passed its version of the bill as a substitute for the House bill. The House bill contained what is called one-package exemptions or "one package" treatment provisions for seven specific agencies of the Government.

The House bill also provided that a reorganization plan submitted by the President would go into effect within 60 days of its submission to Congress unless both Houses of Congress adopted a concurrent resolution disapproving the plan within that period of time.

The Senate bill contained no one-package provision, contained no exemptions of any agencies whatsoever. But it provided that either House, by simple resolution, might veto the plan within the 60-day period of time.

The conferees have agreed, and the House has approved, the elimination of the exemptions and of the one-package provision, and accepted the Senate version of the bill on that score. The conferees also agreed to accept, and the House has approved, the Senate provision for a one-House veto, modified to this extent, that a constitutional majority of one House shall be required to reject a reorganization plan.

The virtue of the one-House veto, as I see it, is that neither branch of the Congress abdicates its power to disapprove a plan. I think we went a little further, perhaps, than we should, but in order to get an agreement, in order to get the best bill the conferees could agree upon, the Senate conferees yielded to a modification of its one-House veto provision to the extent of requiring the veto be by a constitutional majority.

Mr. IVES. Mr. President, if the Senator will yield to me to permit me to make a statement on this subject, I should like to do so.

Mr. McCLELLAN. I shall be glad to yield the floor in a moment.

The VICE PRESIDENT. The Senator from New York can be recognized in his own time.

Mr. McCLELLAN. The House bill had no expiration date. The Senate bill has the date of April 1, 1953. Let me explain the reason why that provision was placed in the bill in the committee and approved by the Senate. I believe that reorganization should be a continuing program. However, if there is no expiration date, Congress, busily occupied as it is, would probably never review the matter to find out how the program was working. So we inserted that provision, which gives full power to the present administration during its present term and to the succeeding administration for the first ensuing Congress. The President would have to submit his plans in about that time by April 1 in order to allow Congress a 60-day period in which to reject them. So the expiration date runs over into the next Presidential administration, but cuts off at the end of the first ensuing Congress.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. WILEY. As I understand the bill, the period of expiration runs into 1953, and the President can go ahead and practically put into effect the Hoover recommendations, and by a constitutional majority either House can veto any reorganization which the President puts into effect.

Mr. McCLELLAN. That is correct.

Mr. WILEY. That is all there is to the bill.

Mr. McCLELLAN. That is all there is to it. The President is not restricted, limited, or circumscribed in any way as to the kind of plan he submits, or as to what agencies may be included in it; but each House, by independent action, can reject the plan by a constitutional majority.

The Senate provision called for a simple majority. There is some objection to the provision. In this whole proceedings we are having to disregard some integrity of legislative process. We are delegating some legislative power; but by having a one-House veto, neither House absolutely abrogates its power or renders itself impotent and powerless to veto a plan if it feels that the plan is not good or sound. So we have preserved that much of the legislative integrity. However, the veto must be by constitutional majority.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

Mr. IVES. Mr. President, I wish to commend the splendid leadership of the chairman of the Senate conferees, the able Senator from Arkansas, who has just spoken. We were faced with a rather difficult situation, in view of the fact that the two bills basically did not coincide. They were in extreme conflict. We had the House bill, with the requirement for two vetoes, with exceptions. We

had the Senate bill without exceptions—a perfectly clean bill, with a single-House veto. The job was to reconcile them. We did reconcile them, and we reconciled them in what I consider to be the soundest manner possible. We simply compromised by keeping the Senate version and requiring that the single-House veto to prevent adoption of a reorganization plan be by constitutional majority of either House.

In my judgment, the bill now before the Senate is superior to either the bill which was passed by the House or the bill which was passed by the Senate. For once a bill has come out of conference which is better than the bill passed in either House, and I certainly hope it will receive the full support of the Senate.

Mr. LODGE. Mr. President, I wish to express my gratification that the conferees have done such a good work. This is a proposal which has been nonpartisan and bipartisan from the very beginning—at the time the bill was passed, in the appointment of members of the Commission, and in the approach which the members of the Commission took. Although we have had a change in party control in Washington since the reorganization bill was passed, the support for this effort has continued on the same bipartisan plane on which it began. I think it is a very happy day for all those who believe in efficient and economical government, for all who feel that the downfall of popular government in other parts of the world has been due to the fact that government over there became inefficient. Now we are about to have a reorganization act which will enable the President to clear away the cobwebs and make our popular system of government as effective as we all want it to be.

I congratulate the conferees.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. LUCAS subsequently said: Mr. President, a few moments ago when the conference report on the Reorganization Act of 1949 was being submitted by the able Senator from Arkansas [Mr. McCLELLAN], I was temporarily absent from the Chamber, on important business. I desire to say a word or two in connection with the conference report.

First, I wish to congratulate the managers on the part of the House of Representatives and the managers on the part of the Senate for finally agreeing upon the report which was submitted to the Senate by the Senator from Arkansas. Especially do I wish to pay a compliment to the Senator from Arkansas, the chairman of the committee, for the part he played, and also to the Honorable WILLIAM L. DAWSON, who is chairman of the House committee, who played a prominent part in arriving at an agreement upon this important piece of legislation.

Furthermore, Mr. President, I wish to say that I have communicated with the President of the United States in regard to this measure, and I understand that it is acceptable to him and that he will sign it when it reaches him, and that thereafter a number of plans will be submitted to the Congress, for its very serious and careful consideration.

PUBLICITY GIVEN TO FBI DOCUMENTS

Mr. McCARTHY. Mr. President, I have before me an informative article written by David Lawrence entitled "FBI Seen Weakened by Publicity Given Secret Documents." Normally I would merely ask to have the article printed in the Appendix of the RECORD; but at this time I wish to take the liberty of imposing upon the Senate to the extent of reading the article.

The VICE PRESIDENT. That can be done at this time only by unanimous consent, because the unanimous-consent agreement was that routine matters be presented without debate.

Mr. McCARTHY. Then, Mr. President, I ask unanimous consent that I be allowed to read the article into the RECORD at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Wisconsin may proceed.

Mr. McCARTHY. The article reads as follows:

FBI SEEN WEAKENED BY PUBLICITY GIVEN SECRET DOCUMENTS—WILL LOSE INFORMANTS WHO FEAR FOR LIVES IN ESPIONAGE WORK

(By David Lawrence)

Had the Coplon trial been held in England, there would have been no embarrassment for anyone not directly connected with the case. The judge would have ruled on the FBI files in private and the attorneys would have had a chance to examine any secret documents without fear that outside persons would have access to confidential data of the Government.

Nobody here is at fault for the unfortunate publicity that has occurred. The FBI didn't want its files made public. The judge had no choice when the defense insisted on seeing the documents—he had to order them produced.

But it must be borne in mind that the Justice Department itself did have a choice. It could have suppressed the FBI files and withdrawn and let the case be lost by default. It chose instead to take the risks. The FBI, as a subordinate unit of the Justice Department, didn't make the decision. Had it been left to the FBI, the case would have been dropped because the Bureau values its sources of information more than it does the winning of a single case.

PRINCIPLE INVOLVED

For there's a fundamental principle involved. The FBI gathers all sorts of information. Some of it is gossip and may be proved untrue. What is put in the agents' reports isn't evidence. It is merely a memorandum to the head office covering everything heard or rumored. It is up to the head office to piece together from various agents' reports that which may properly be presented as evidence in a courtroom.

This is the method of every investigation bureau, public or private. Nobody has ever demanded the personal correspondence of any high official and gotten it into court. In fact, the President has insisted that another branch of the Government cannot receive even official documents or letters or correspondence if the executive branch deems it incompatible with public interest to divulge such data.

Having refused to give such material to Congress, it is logical that the executive branch may refuse to give it to the judiciary. In the Coplon case, the Justice Department could have refused to produce the files and no judge could have compelled their disclosure. But the case would have been withdrawn.

What are the damaging consequences of recent disclosures? These probably will never be measured. Nobody will ever know what happened to the informants mentioned in the FBI files and now revealed. The public may not discern who the informants were but it seems a safe guess that the persons concerned will know.

INFORMANT MAY LOSE LIFE

It is a safe guess, too, that the Russian Government will be able to figure out who was an informant inside the Russian Embassy. Names are not given, but circumstances are very revealing. Not only will the informant be lost to the FBI, but his or her life may be lost also.

Unhappily, the public attitude toward espionage is not an informed one. Many people don't like the idea of spying or counterspying. They don't like to see the American Government engaging in it, either. But in a period of cold war such things are part of the routine of all governments.

Back in 1941 the FBI monitored a radio telephone conversation between Hawaii and Japan and called attention to it. Also, the FBI wanted to get at the messages which were filed by the Japanese consulate for transmission to Japan before the attack on Pearl Harbor, but the Federal Communications Commission in Washington refused to allow the American communication companies in Hawaii to give up the messages to the FBI. One of those messages, it was learned afterward, told the Japanese Navy Department in Tokyo what the signals would be to the carrier planes of the Japanese Fleet when they reached Pearl Harbor. Better espionage might have alerted the fleet at Pearl Harbor and saved many American lives.

As long as unscrupulous governments exist, espionage is just as much a defensive measure as any form of armament. It is regrettable that the FBI will be weakened in handling espionage by a fear on the part of informants that they may be mentioned in FBI reports that could become public. It would have been better to have dropped the case than to have allowed the FBI files to be published.

PRINTING, BINDING, AND DISTRIBUTION OF PUBLIC DOCUMENTS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of State, transmitting a draft of proposed legislation to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, as amended, which, with the accompanying paper, was referred to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of California; to the Committee on Labor and Public Welfare:

"Senate Joint Resolution 29

"Joint resolution relative to supplemental direct loans to veterans

"Whereas loans to veterans, under the provisions of the Servicemen's Readjustment Act of 1944 have been greatly restricted due to refusal of money-lending institutions to make such loans even though guaranteed by the Federal Government; and

"Whereas there is still a great need for veterans' home loans at rates of interest

within the ability of those who have served faithfully in their country's service, to pay; and

"Whereas there is now pending before Congress legislation which would provide for direct loans to veterans for homes in cases where they are unable to obtain loans from private lending institutions at an interest rate not in excess of 4 percent per annum: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact the pending legislation, to wit, Senate bill No. S. 686, which will provide for direct loans to veterans for homes under the Servicemen's Readjustment Act of 1944 at a rate of interest of not greater than 4 percent per annum, when they are unable to obtain such loans from established lending institutions; and be it further

"Resolved, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the Property Owners Association of America, in convention at Kansas City, Mo., favoring the repeal of the rent-control law; to the Committee on Banking and Currency.

A resolution adopted by the Property Owners Association of America, in convention at Kansas City, Mo., favoring the repeal of the fire-egress law in the District of Columbia; to the Committee on the District of Columbia.

A resolution adopted by the Property Owners Association of America, in convention at Kansas City, Mo., relating to communism, and so forth; to the Committee on the Judiciary.

A resolution adopted by the Property Owners Association of America, in convention at Kansas City, Mo., relating to the National Housing Act, and so forth; ordered to lie on the table.

A resolution adopted by the Confederate Air Force, of Miami, Fla., relating to pensions for surviving Confederate Army veterans; to the Committee on Finance.

A resolution adopted by the board of directors of the American ORT Federation, of New York, N. Y., expressing appreciation for the enunciation and implementation of the United States policy toward Israel; to the Committee on Foreign Relations.

Resolutions adopted by the Board of Water and Power Commissioners of the City of Los Angeles and the Los Angeles City Council, both in the State of California, favoring the enactment of Senate Joint Resolution 4, authorizing a suit in the United States Supreme Court to adjudicate the respective rights of the States of Arizona, Nevada, and California to the use of the waters of the Colorado River; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Sixth Conference of the Inter-American Bar Association, relating to the liberalization of the displaced persons' law; to the Committee on the Judiciary.

A resolution adopted by the board of trustees of the village of Oak Park, Ill., favoring the enactment of legislation proclaiming October 11 of each year as General Pulaski's Memorial Day; to the Committee on the Judiciary.

Resolutions adopted by the Missouri State Dental Assistants Association, of Kansas City, Mo.; the Northwest District Dental Society, of Hayward, Wis.; the board of managers of the Church Charity Foundation of Long Island, N. Y.; and the Central Wisconsin Dental Society, of Mosinee, Wis., protesting against the enactment of legislation providing compulsory health insurance; to the Committee on Labor and Public Welfare.

A petition of sundry colored veterans of McComb, Miss., relating to their status under the Veterans' Educational Program; to the Committee on Labor and Public Welfare.

A petition signed by B. R. Carney, and sundry other citizens of the State of Washington, praying for the enactment of Senate bill 578, to provide service connection of disabilities aggravated by military or naval service; to the Committee on Labor and Public Welfare.

A resolution adopted by the Ninth District, Department of Virginia, the American Legion, relating to the extension of time during which readjustment allowances may be paid until July 25, 1954, and so forth; to the Committee on Labor and Public Welfare.

A resolution adopted by the National Oil Jobbers Council, favoring an investigation as to the adverse effects upon jobbers of the decision of the United States Court of Appeals for the Seventh Circuit in the case of *Standard Oil Company* v. *Federal Trade Commission*, etc.; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

S. 1440. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, so as to provide for payment of annuities to widows of retired employees without reduction in the annuities of such employees; with amendments (Rept. No. 506).

By Mr. TYDINGS, from the Committee on Armed Services:

S. 509. A bill to provide for the advancement of commissioned Warrant Officer Chester A. Davis, United States Marine Corps (retired), to the rank of lieutenant colonel on the retired list; without amendment (Rept. No. 507);

S. 1507. A bill to amend section 10 of the act of August 2, 1946, relating to the receipt of pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay, and for other purposes; with an amendment (Rept. No. 508); and

S. 1578. A bill to authorize the Secretary of the Army to proceed with construction at stations of the Alaska Communication System; with an amendment (Rept. No. 509).

By Mr. JOHNSON of Colorado, from the Committee on Interstate and Foreign Commerce:

S. 447. A bill to amend the Civil Aeronautics Act of 1938, as amended, to regulate the transportation, packing, marking, and description of explosives and other dangerous articles; with amendments (Rept. No. 511);

S. 1278. A bill to fix the United States share of project costs, under the Federal Airport Act, involved in installation of high intensity lighting on CAA designated instrument landing runways; with amendments (Rept. No. 513);

S. 1279. A bill to amend the Federal Airport Act so as to provide that minimum rates of wages need be specified only in contracts in excess of $2,000; without amendment (Rept. No. 514); and

H. R. 781. A bill to amend title II of the Civil Aeronautics Act of 1938, as amended; with an amendment (Rept. No. 512).

AMENDMENT OF UNITED NATIONS PARTICIPATION ACT OF 1945—REPORT OF A COMMITTEE

Mr. CONNALLY. Mr. President, from the Committee on Foreign Relations, I report an original bill, to amend the United Nations Participation Act of 1945, and I submit a report (No. 510) thereon.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar.

The bill (S. 2093) to amend the United Nations Participation Act of 1945 to provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such organization, reported by Mr. CONNALLY from the Committee on Foreign Relations, was read twice by its title, and ordered to be placed on the calendar.

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON of South Carolina, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation two lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. MILLER (for himself and Mr. MAGNUSON):

S. 2088. A bill authorizing the construction of a multipurpose reservoir on the Kootenai River near Jennings, Mont., for flood control, and other beneficial purposes; to be named, on completion, Truman Dam; to the Committee on Public Works.

By Mr. O'MAHONEY (for himself, Mr. HUNT, Mr. GURNEY, Mr. MUNDT, Mr. CORDON, Mr. MORSE, Mr. CAIN, and Mr. MAGNUSON):

S. 2089. A bill to approve contracts negotiated with the Belle Fourche irrigation district, the Deaver irrigation district, the Westland irrigation district, the Stanfield irrigation district, the Vale, Oreg., irrigation district, and the Prosser irrigation district, to authorize their execution, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of Colorado:

S. 2090. A bill for the relief of the Denver Live Stock Exchange; to the Committee on the Judiciary.

By Mr. THOMAS of Oklahoma:

S. 2091. A bill to provide financing for the construction and improvement of facilities for the marketing of farm products, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. McMAHON:

S. 2092. A bill for the relief of Rosa Ottaviani; to the Committee on the Judiciary.

(Mr. CONNALLY, from the Committee on Foreign Relations, reported an original bill (S. 2093) to amend the United Nations Participation Act of 1945 to provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such organization, which was ordered to be placed on the calendar, and appears under a separate heading.)

By Mr. BUTLER:

S. 2094. A bill to increase the maximum amount of any deposit or trust fund which may be insured by the Federal Deposit Insurance Corporation under section 12B of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

By Mr. PEPPER:

S. 2095. A bill for the relief of Frederick L. Goggans; to the Committee on the Judiciary.

S. 2096 (by request). A bill to amend the act entitled "An act to authorize the Administrator of Veterans' Affairs to transfer a portion of the Veterans' Administration center at Los Angeles, Calif., to the State of California for the use of the University of California," approved June 19, 1948; to the Committee on Labor and Public Welfare.

By Mr. PEPPER (for himself and Mr. HOLLAND):

S. 2097. A bill to provide price support for natural sponges; to the Committee on Agriculture and Forestry.

FREE IMPORTATION OF GIFTS FROM MEMBERS OF ARMED FORCES—AMENDMENT

Mr. JOHNSON of Colorado submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 242) extending for 2 years the existing privilege of free importation of gifts from members of the armed forces of the United States on duty abroad, which was referred to the Committee on Finance, and ordered to be printed.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles, and referred as indicated:

H. R. 4878. An act to authorize certain Government printing, binding, and blank-book work elsewhere than at the Government Printing Office if approved by the Joint Committee on Printing; to the Committee on Rules and Administration.

H. R. 5007. An act to provide pay, allowances, and physical disability retirement for members of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, Public Health Service, the Reserve components thereof, the National Guard, and the Air National Guard, and for other purposes; to the Committee on Armed Services.

ADDRESS BY SENATOR SCHOEPPEL BEFORE GETTYSBURG COLLEGE ALUMNI ASSOCIATION

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an address delivered by Senator SCHOEPPEL before the Gettysburg College Alumni Association, at Gettysburg, Pa., on June 3, 1949, which appears in the Appendix.]

ADDRESS BY SENATOR HUMPHREY BEFORE SOCIETY FOR ADVANCEMENT OF MANAGEMENT

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD an address delivered by him before the Society for Advancement of Management, in Washington, D. C., on June 4, 1949, which appears in the Appendix.]

THE BUSINESS PICTURE—ADDRESS BY SECRETARY OF THE TREASURY BEFORE UTAH BANKERS ASSOCIATION

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an address entitled "The Business Picture," delivered by Hon. John W. Snyder, Secretary of the Treasury, before the Utah Bankers Association at their annual convention at Sun Valley, Idaho, on June 7, 1949, which appears in the Appendix.]

BROADCAST ON PUBLIC QUESTIONS BY ARTHUR CAPPER

[Mr. REED asked and obtained leave to have printed in the RECORD a broadcast by former Senator Arthur Capper regarding various public questions, which appears in the Appendix.]

THE WESTERN TRADITION—ADDRESS BY SIR OLIVER FRANKS

[Mr. HENDRICKSON (for Mr. SMITH of New Jersey) asked and obtained leave to have printed in the RECORD an address entitled "The Western Tradition," delivered by Sir Oliver Franks, British Ambassador, at the annual convention banquet of the American Society of Newspaper Editors, at Washington, D. C., on April 23, 1949, which appears in the Appendix.]

CAPITALISTIC COMMUNISTS — ARTICLE BY WALTER WINCHELL

[Mr. HOEY asked and obtained leave to have printed in the RECORD an article entitled "Capitalistic Communists," written by Walter Winchell and published in the Charlotte (N. C.) Observer, which appears in the Appendix.]

THE FBI RECORDS IN THE COPLON CASE—ARTICLE BY CONSTANTINE BROWN

[Mr. McCARTHY asked and obtained leave to have printed in the RECORD an article entitled "FBI Urged Coplon Case Be Dropped in Order To Guard Confidential Data," by Constantine Brown, which appears in the Appendix.]

AMERICAN AID TO EUROPE—ARTICLE BY GEORGE SOKOLSKY

[Mr. JENNER asked and obtained leave to have printed in the RECORD an article relating to American aid to Europe, by George Sokolsky, from the Washington Times-Herald of June 16, 1949, which appears in the Appendix.]

GERMAN BISHOPS ON WAR CRIME TRIALS—ARTICLE FROM THE CHRISTIAN CENTURY

[Mr. JENNER asked and obtained leave to have printed in the RECORD an article entitled "German Bishops on War Crime Trials," published in the Christian Century for June 15, 1949, which appears in the Appendix.]

THE MARGARINE-BUTTER TANGLE—LETTER FROM PAUL T. TRUITT

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD a letter from Paul T. Truitt, president of the National Association of Margarine Manufacturers, in reply to an article by John C. Davis, appearing in the Cleveland Plain Dealer of May 16, 1949, which appears in the Appendix.]

ARE WE CODDLING SOCIALISM ABROAD, TOO?—ARTICLE BY FRED I. KENT

[Mr. KEM asked and obtained leave to have printed in the RECORD an article entitled "Are We Coddling Socialism Abroad, Too?" written by Fred I. Kent and published in the June 1949 issue of Banking, which appears in the Appendix.]

BASING-POINT LEGISLATION—ARTICLES BY W. K. KELSEY

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD two articles by W. K. Kelsey, from the Detroit News, having to do with basing-point legislation, which appear in the Appendix.]

COMMITTEE HEARING DURING SENATE SESSION

Mr. McMAHON. Mr. President, I ask unanimous consent that the Joint Committee on Atomic Energy be permitted to sit this afternoon during the session of the Senate.

The PRESIDING OFFICER (Mr. HUNT in the chair). Without objection, the request is granted.

WISCONSIN FARM SITUATION

Mr. WILEY. Mr. President, I send to the desk a statement on the Wisconsin farm situation, which I ask to have printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMENTS BY SENATOR WILEY ON WISCONSIN FARM SITUATION

I have called the attention of the Senate on previous occasions to the critical conditions being faced on Wisconsin farms with dairy prices dropping disastrously. While many city folks have the erroneous idea that the farmers are raking in huge amounts of money, certainly the exact contrary is the case, particularly in the instance of American dairying. I know this out of personal experience on my own farm in Barron County and on the basis of reports which I have received from farmers all over my State.

Right now, as an illustration of the unending series of crises which has hit the farmer, we have a disastrous drought situation. Weeks ago we were working on relief for farmers in northern Wisconsin through emergency loans from the Farmers Home Administration. Now the situation in central Wisconsin is critical. The other day Mr. E. W. Martin, president of the Central Wisconsin Cheesemakers' Association, at Spencer, Wis., telegraphed me:

"Immediate emergency aid imperative to save central Wisconsin area dairy industry. Pastures irreparably destroyed by second year drought. Hay currently unavailable. None in prospect. Small grains down 50 percent. Farmers desperate for feed, offering entire herds for sale. Particularly young vets just starting. Urge most serious consideration."

I immediately got in touch, of course, with the United States Department of Agriculture once again and arranged for all possible speed by Farmers' Home officials in Wisconsin in processing emergency drought loans. I pointed out, however, that these loans which are given on a 3-percent basis hardly represent a complete answer to the farmers' problem. Let me quote from one farmer's letter to his county agent:

"I had to buy $1,000 worth of hay and mortgaged our cattle to do so. So you see, if some help is not available we are going to lose all of our hard-earned cattle. We worked almost like slaves to pay for them."

These drought-stricken farmers are now applying in droves for these emergency loans. But, Mr. President, these very same farmers observe that our Government is granting not loans to foreign peoples in small amounts, but outright gifts involving hundreds of millions of dollars. These farmers wonder at the fact that if there is the slightest reduction in foreign gifts by the United States, a shriek of horror is let out by our aid officials and by the foreign governments. If we try to cut so much as a dollar from these foreign-aid funds we are accused of sabotaging the foreign-aid program even though the price of goods is declining and the dollar that we appropriate is worth far more than it was a half a year ago.

MILLIONS FOR HOME, BILLIONS FOR ABROAD

The farmer who is having to pay terrible prices for his feed is naturally aware of the fact that we have been appropriating drought relief funds approximating around $4,000,000, but talking in foreign-spending terms of $5,000,000,000.

I, for one, have supported a program to encourage world stabilization and peace, but

I do want to point out that we cannot be forgetting our home front either. We have to have a constructive program to offer our farmers. Let anyone pick up a rural newspaper these days and he will find auction sales galore advertised—sales of the hard-earned, hard-won fruits of a lifetime of toil on the part of farm people.

Mr. Olaf Johnson, director of the Superior, Wis., New Industries Bureau, who has been in close contact with me throughout this situation writes:

"The recovery from the drought will be slow and it will take a couple of years of good crops to overcome this set-back."

Many farmers have already sold not only their stock but their farms. Mr. Johnson adds that the particular farmer who wrote his county agent as I cited above, has since unfortunately, conducted an auction, selling out everything this farmer owned.

A farmer in Prairie Farm, Wis., writes:

"We are facing one of the worst droughts this country has ever seen. We had a drought last year that cost us more than we can stand. If we don't get some kind of relief we will be just about through. A Government loan will not be of much help because that will have to be paid back and some of the farmers here will never be able to pay back. If we can get a subsidy, we can make it. If we don't, we are going to be deeper in debt than ever before."

I have cited this emergency situation as a background to the farmers' over-all, long-range problems. Right now, all of us are studying the Brannan farm program about which there has been so much publicity in recent weeks.

ARTICLE ON BRANNAN PROGRAM

In this connection, I ask that there be printed the text of an article by a well-known dairy leader who ably discusses some of the advantages and disadvantages of the Brannan program. In the May 9, 1949 issue of the Madison newspaper Dairyland News of which Mr. Ralph Ammon is president and publisher, there was printed a column by my good friend, William F Groves, based upon his talk with Secretary Brannan and it is this article that I would like to have reprinted in the RECORD at this point.

"GROVES TALKS WITH BRANNAN

"(By William F. Groves)

"I have just returned from a trip to Washington, D. C., Where I had the opportunity to converse with several farm leaders, including Secretary Brannan, on the relative merits and demerits of the so-called Brannan plan. The edition of the Dairyland News has suggested that I devote this column to this new farm proposal. I hesitate to comply with the editor's request, because my reactions to the arguments, pro and con, which I have heard are varied. I am convinced that there is a great deal of good in the Brannan plan also a great deal of bad. When the good outweighs the bad or vice versa I am not prepared to say at this time.

"The chief objections as I see them to the Brannan plan may be listed as follows:

"1. The Brannan plan is the brain child of swivel chair economists and cloistered theorists. Practical farm leaders or farm operators have not been consulted by Secretary Brannan or his staff while drafting the plan.

"2. The costs of the Brannan plan are hard to estimate. Everybody agrees however that the plan will impose severe burdens on the taxpayer.

"3. The Brannan Plan entails the paying of direct subsidies to farmers. Farm leaders have always opposed direct subsidies. This objection, in my opinion, will not hold water. Any farm-support program, whether it be the present parity plan, Secretary Brannan's plan, or some other plan must, from necessity, subsidize the farmer. Under the Hope-Aiken plan the consumer pays the subsidy in higher prices; under the Brannan plan the taxpayer pays the subsidy in higher taxes.

"4. The Brannan plan is a threat to the growth and, in some instances, the very life of the cooperatives. Cooperative leaders fear that the Government will slowly, step by step, assume the duties and functions which the cooperatives are now rendering their membership.

"5. The Brannan plan calls for the extreme regimentation of agriculture. I doubt very much whether the farmer, reared as he is in the American tradition, will ever consent to the severe rules and regulations which would be necessary if the Brannan plan was ever carried out in its entirety.

"Now let us consider some of the good points of the Brannan plan:

"1. In my opinion, the most important aspect of the Brannan plan is the fact that, for the first time since the Federal Government has been paying farmers, the dairy and livestock industries are given their fair share of the subsidy. The emphasis of all Government programs in the past has been on soil-depleting crops, such as wheat or tobacco. Secretary Brannan reverses this emphasis and tries, through the payment of subsidies, to encourage the growth of soil-building practices by encouraging dairy and livestock farming.

"2. The Brannan plan points out that it is farm income, and not high prices, which ultimately governs the well-being of the farmer. This reasoning, it seems to me, is sound. All past farm legislation, including the Hope-Aiken bill, have inferred that if farm prices are high the farmer will be prosperous. We know that this is not always true. It would seem to me that the philosophy of the Brannan plan is much more effectual from an economic standpoint than any previous plan offered Congress.

"3. The Brannan plan allows the laws of supply and demand to govern the price of perishable agricultural products. This is the reverse of the parity policy practiced today, which maintains an artificial high price at a time when surpluses are piling up. This policy of the Secretary of Agriculture would result in two benefits: (a) It would avoid waste; (b) it would encourage greater consumption of surplus products because of cheaper prices.

"This, very briefly, summarizes my reactions, both pro and con, to the Brannan plan. I would advise my readers to set aside all preconceived prejudices and to study the plan impartially. If we do this we may possibly salvage some of the good features embodied in the plan and avoid the dangers which the adoption of the plan in its entirety would involve."

POLICE OFFICER OLIVER A. COWAN

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have prepared regarding Oliver A. Cowan, a member of the Metropolitan Police Department of Washington, D. C., and the magnificent work he is doing to combat juvenile delinquency.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, I have just had a very wonderful experience. I was visited by Oliver A. Cowan, a member of the Metropolitan Police Department. This man is doing truly a great job not only for Washington but for the whole country. He is the founder and director of the Junior Police and Citizens Corps. He has been, as many Senators know, written up in the Saturday Evening Post, Look, FBI Bulletin, and Life magazines. What does this man do and who is he? He was born in Arkansas of Negro parents. He graduated from Howard University this June with a bachelor of arts in sociology. His is a life devoted to service of the highest type. I want to read to the Senate some of the endorsements from prominent people which speak far better than I can concerning the nature of this man's work.

1. From a letter from J. Edgar Hoover to Oliver Cowan:

"I do want you tc know how much all of us in the FBI appreciate the noteworthy work which you are doing among young people here in Washington."

2. From an article in the FBI Law Enforcement Bulletin:

"First lady of the land, highly placed governmental executives, Congressmen, and judges who are in a position to know the needs for youth work have met with the Junior Police and endorsed the organization."

3. From a feature article, How To Prevent Crime, in Look magazine on the Junior Police and Citizens Corps January 20, 1948:

"Officer Oliver A. Cowan * * * has a simple answer to the problem of juvenile crime, so simple that it actually works."

4. From a feature article, They Showed How Juvenile Delinquency Can Be Licked, in the Saturday Evening Post on the Junior Police and Citizens Corps, April 29, 1944:

"The answer to what many Washingtonians regard as a near miracle is the young Negro patrolman, Oliver Cowan, and his Junior Police and Citizens Corps."

5. From a feature article, From Robbers to Cops, on the Junior Police and Citizens Corps in Ebony magazine, December 1945:

"The whole movement doesn't cost the city or the Federal Government a single cent; * * * a few volunteer adults furnish guidance."

6. From a letter from Attorney General Tom Clark:

"I am familiar with the excellent work this organization is doing in connection with the youth of this district. I am very much impressed with two of its objectives: that of trying to teach boys and girls to run to the policeman instead of running from the policeman, and that of teaching the juvenile to work, not for his betterment alone, but for the betterment of the entire comunity in which he lives."

7. From a letter from the late Michael J. Curley, former archbishop of Baltimore and Washington:

"The success which your organization has achieved and the fact that its program embodies a fresh approach to the difficult problems of juvenile delinquency are special reasons why its work should not be hampered at this point by lack of funds. The further fact that Officer Cowan in his work has stressed the importance of religious influence in the formation of character indicates to me the soundness of the foundation of your organization's work."

Why am I taking the time of the Senate? The answer is very clear to me. We have been switched off of the right track in our own thinking. Folks have been taught that by legislation we can correct morals, change economic law, make folks over. This man knows it cannot be done this way, so his work is with youngsters, 85 percent of whom are Negro children. The Junior Police and Citizens' Corps does not wait for youngsters to come to it—it goes out to them and gives them the four things that are necessary: (1) Recognition, (2) responsibility, (3) opportunity to actually carry out that responsibility, (4) a pat on the back for a job well done.

Originating in 1942, the membership has grown to 13,000 boys and girls in 6 years of its existence, and it has established 181 neighborhood units. Any boy between the age of 6 and 18 is eligible. The value of this Washington youth movement has been

given recognition by officials from Michigan, Virginia, Ohio, and other States who have come to Washington to study the Junior Police and Citizens Corps self-government plan.

Mr. President, here is the answer to a lot of our juvenile delinquency problems. As the twig is bent so the tree will grow. This Junior Police and Citizens Corps is worthy of the support of every one of us because it helps the youngster to go straight.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted to the Thomas substitute by the Senator from Illinois [Mr. DOUGLAS], on behalf of himself and other Senators.

Mr. DOUGLAS. Mr. President, first, I should like to explain the nature of the amendment which is being offered jointly by a bipartisan group of Senators, including the Senator from Vermont [Mr. AIKEN], the Senator from Oregon [Mr. MORSE], the Senator from New Hampshire [Mr. TOBEY], the Senator from Maine [Mrs. SMITH], the Senator from Alabama [Mr. HILL], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Kentucky [Mr. WITHERS], and myself.

The amendment amends section 9 of the National Labor Relations Act of 1935 by adding a new subsection which requires the officers of any labor organization, including the officers of any affiliated national or international labor organization, and the officers of any employer and the officers of any employers' association with which the employer is affiliated, to file with the National Labor Relations Board affidavits that they are not members of Communist, Fascist, or totalitarian organizations, as a condition precedent to resorting to the procedures of the Board. The above requirements also apply to organizations advocating the overthrow of the Government by force or illegal or unconstitutional methods.

We know that most labor organizations are free from Communist or Fascist influences, and, moreover, many provide in their constitutions or bylaws that no person can be an officer or a member if he is affiliated with such organizations. For example, I believe that the constitution of the United Mine Workers of America provides that no one can even be a member of that organization if he is a Communist. Similarly, I believe the constitution of the United Steel Workers provides that no Communist can be an officer of that union.

The pending amendment sets forth that if the constitutions or bylaws of labor organizations make such provision, such affidavits will not be required, provided—and this is a very important proviso—that the National Labor Relations Board is satisfied that the provision is being enforced in good faith. In other words, it would not be possible for an organization merely to make a paper disavowal, merely to say that no Communist or Fascist could be an officer, but it would also be necessary for the organization to enforce that prohibition in good faith; so that a mere paper clause in a constitution would not fully satisfy the requirement; and, as under the present law, the execution of a false affidavit is specifically made a crime, under section 35 (a) of the Criminal Code.

Mr. HILL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Alabama?

Mr. DOUGLAS. I am very glad to yield to the Senator from Alabama.

Mr. HILL. While the Senator is discussing the question of the affidavit and the constitutional prohibition, I should like to ask him this question: Bearing in mind the practical difficulties of the Board in determining whether such constitutional prohibition is being enforced in good faith, what sort of evidence does the amendment, the proviso to i (A), contemplate shall be the basis of the Board's determination.

Mr. DOUGLAS. I should like to say to the Senator from Alabama that this question obviously presents great administrative difficulties. It would give to the National Labor Relations Board a very severe enforcement job, to determine whether the anti-Communist clause in the constitution or bylaws of the labor organization was being carried out in good faith. It would seem to me, for example, that if the Board should require the officers of the association to submit an affidavit stating that the union had such a provision and that they were enforcing this provision in good faith, that would be adequate particularly in view of the fact that the violation of any such affidavit could then be punishable under the criminal code, and the Department of Justice could take direct steps against any person who executed a false affidavit.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I am glad to yield.

Mr. HILL. In other words, he would be subject to the same penalty for executing a false affidavit, as he would be, if he were called before the Board, put under oath, and testified orally. Is that correct?

Mr. DOUGLAS. Exactly so; and he would be subject to the same penalties as if he had filed the direct personal affidavit. This would be an affidavit stating that the rules of the organization were being enforced in good faith, and a false affidavit would be just as punishable as would a personal affidavit stating that the man in question was not a member of any totalitarian organization.

Mr. HILL. The proviso, as I read and understand it, applies of course equally to employers or employers' associations, as it does to labor organizations. Is that correct?

Mr. DOUGLAS. The Senator from Alabama is completely correct, and I think that point should be very strongly emphasized. It is in my judgment a great improvement upon the provision contained in the Taft-Hartley law. The Taft-Hartley law at present merely requires officers of unions to file such an affidavit. The amendment requires the officers of employing groups, associations of employers—and a corporation is an association of employers and owners—to file similar affidavits, thus making the provision mutual with regard both to employers and employees; and it is made mutual in a second sense, that they are asked to state not merely whether they are members of a Communist organization but also whether they are members of a Fascist or totalitarian organization.

Mr. GILLETTE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. DOUGLAS. I am very glad to yield to the Senator.

Mr. GILLETTE. I should like to ask the distinguished Senator a question which came to my mind when he was answering the interrogation of the able Senator from Alabama, as to the certification that the union rule was being enforced, and as to how effective such a provision in the constitution of a labor union could be made. How could anybody be held responsible for such an affidavit with reference to different officials who were violating the union rule? How could the one who had said he was trying to enforce it in good faith be held, when the individual who was actually violating it could not be held?

Mr. DOUGLAS. I am not a lawyer, I may say to the Senator, but I should think that could be done by the Department of Justice. For example, let us suppose there is a given union or employer organization about which there is an overwhelming accumulation of evidence that it is Communist-dominated; and let us suppose they were to pass a paper declaration that no Communist could be an officer, and then filed an affidavit saying that this was being enforced in good faith. It would seem to me that that would clearly be grounds for criminal prosecution under section 35 (a), and that the Department of Justice could proceed against them, and, as a matter of fact, I should think the criminal penalty would be much more severe upon them in that event than it would be if the Board were merely given the job of determining whether the enforcement was in good faith.

Mr. GILLETTE. Mr. President, will the distinguished Senator yield to me for a further question?

Mr. DOUGLAS. Certainly.

Mr. GILLETTE. Is it the opinion of the Senator that such a provision would be as effective as a provision requiring the individual officials to make their own certificates?

Mr. DOUGLAS. We have to deal very specifically with realities on this point. For instance, we know that Mr. John L. Lewis is not a Communist, and that he is an opponent of communism. We know that the United Mine Workers has a very stringent provision which prohibits Communists, not only from holding office but from holding membership in the union. Yet, for one reason or another, Mr. Lewis refuses to sign the anti-Communist affidavit, stating that it is an insult to him to do so. A simi-

lar position has been taken by Mr. Philip Murray, the head of the United Steel workers. We all know that Mr. Murray is not a Communist and that he is a very vigorous opponent of communism. The United Steel workers have a clause in their constitution or bylaws that no one can be an officer in that union who is a Communist, and there is every evidence that this law of the United Steel workers is vigorously enforced wherever information is available. Yet Mr. Murray refuses to sign the non-Communist affidavit because, he says, it is insulting. To meet that situation, which is not a capricious disregard of law but a conscientious belief on the part of persons like these two men, this clause is put in, so that if the union itself is actually enforcing the anti-Communist prohibition, then that is regarded as meeting the requirements of the act. It would seem to me that on the whole, this is in line with the general principle which we try to follow, that in such matters self-government should be placed in the hands of the unions. If we can compel the unions to put into effect these rules, that reduces the administrative strain on the Department of Justice.

Mr. GILLETTE. I agree fully of course with the goal which has just been asserted by the distinguished Senator; but I have a very grave doubt as to whether the proof on the question of good faith on the part of one filing an affidavit could be used effectually to reach the goal the Senator is trying to attain.

Mr. DOUGLAS. I am very frank to say to the Senator from Iowa that I think there is no perfectly satisfactory way of dealing with the issue, but I think the amendment, if adopted, will compel disclosure. I think it will operate mutually, and will therefore remove the smarting sense which a good many people have that they have been singled out. It is applied to the organizations seeking to overthrow the Government from the right as well as the organizations from the left, and therefore it seems to me that it should remove any objection which honest people may have had, and properly may have had, to the one-sided feature of the Taft-Hartley provision.

Mr. GILLETTE. I thank the Senator from Illinois.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the distinguished Senator from Alabama.

Mr. HILL. As I understand, the amendment applies to officials of organizations, either labor unions or employers' associations.

Mr. DOUGLAS. That is correct.

Mr. HILL. I suppose it would not apply to the delegates to some association meeting, such as an employers' association or some employees' association.

Mr. DOUGLAS. The Senator is quite correct. It is not necessarily to be enforced against every delegate to a convention of the CIO or A. F. of L., or the National Association of Manufacturers, the United States Chamber of Commerce, or any trade association, but it does apply to executive policy-forming members. In this respect, it is more rigorous than is the provision in the Taft-Hartley law, because there have been several instances under that law in which men resigned from top administrative posts and became minor officials appointed by the governing board, and yet undoubtedly continued in the same beliefs in influential posts with the same organization they had previously served. This amendment uses the term "policy-making officers," so that evasion of that type would be no longer possible. But we use the term "executive" before "policy-making," so that it is confined to the policy-making administrative officers and not to the members of the legislative body.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOUGLAS. I gladly yield to the Senator from Ohio.

Mr. TAFT. I take it the Senator does not intend to include in the filing the officers of the CIO and A. F. of L. national organizations.

Mr. DOUGLAS. We do not intend to change the present practice, I will say to the Senator from Ohio.

Mr. TAFT. It has been held that officers of the CIO and of the A. F. of L. are not required to file.

Mr. DOUGLAS. That is correct.

Mr. TAFT. But in the case of the employer the Senator seems to include any local, regional, or national employer association of which the employer is an affiliate or a member. Let us consider, for example, a firm in Cincinnati which is a member of the Cincinnati Chamber of Commerce. A member of the State chamber of commerce would have to file, a member of the United States Chamber of Commerce would have to file, although none of them has anything to do with negotiating agreements or control over the policies of the company in question.

Mr. DOUGLAS. I think the test is direct affiliation. I believe that was the test for the A. F. of L. and the CIO. If there were involved an international union or, in some cases, a Federal union. Therefore we should not make the test in the second degree. If the United States Chamber of Commerce is composed purely of a federation of State and local chambers of commerce, it would not be affected.

Mr. TAFT. I am glad to know that that is what the Senator intends. But the amendment uses the words "affiliate or constituent unit." With reference to an employer, the words "affiliate or member" are used. Of course, employers are members of every chamber of commerce to which they belong.

Mr. DOUGLAS. I should be perfectly willing to strike out the words "an affiliate" and simply make it "a member."

Mr. TAFT. I suggest that the language be changed, as well, with reference to labor, making it read "a constituent unit."

Mr. DOUGLAS. That will be satisfactory, and I so modify the amendment.

The VICE PRESIDENT. The Senator has a right to modify his amendment. The question is on agreeing to the amendment as modified.

EMERGENCY SITUATIONS IN THE CHERRY INDUSTRY OF THE PACIFIC NORTHWEST

Mr. MORSE. Mr. President, I wish to take a very few moments to discuss the emergency situation which exists in the cherry industry in the Pacific Northwest. As we sit here today many thousands of tons of cherries will not even be picked in the Pacific Northwest because the cherry growers are confronted with a squeeze play—I think that is a proper description of it—being carried on by eastern and other fruit buyers and the United States Department of State, as is clearly shown by the correspondence which I shall discuss in a moment. It is perfectly clear that the Department of State is not a willing participant in the squeeze play, but it, nevertheless, is a participant.

The difficulty, Mr. President, is that negotiations are taking place at the present time in regard to reciprocal trade agreements affecting agricultural products, one product being cherries. The representation of the eastern and other fruit buyers to the growers in the Pacific Northwest is that it is contemplated to cut the tariff on cherries 50 percent. If that is done, it will simply ruin the cherry growers in the Pacific Northwest, as the correspondence will show, and, in my judgment, it will necessarily endanger considerable public support in the Pacific Northwest for a continuation of a reciprocal trade program.

Thus, Mr. President, I have been asked, because it is known in my section of the country that I have always been an ardent advocate of a reciprocal trade program, to lay the problem before the Senate, for the record, so that at least the Members of the Senate can be charged with knowledge of the facts that are before them, at the time they come to vote on an extension of the reciprocal trade program.

As an ardent advocate of the principle of reciprocal trade, I can put my basic conviction on that subject in this language: I simply insist and urge that reciprocal trade agreements be reciprocal in fact in respect to all the parties thereto; that they be reciprocal not only from the standpoint of the Government of the United States, but that they be reciprocal also in respect to the signatories of foreign countries. I say, again, Mr. President, that I am satisfied that the record to date does not show that degree of reciprocity which must exist if the reciprocal trade agreement is to realize its true objective. To too great an extent the reciprocal trade program to date has tended to discriminate against agricultural products, and the American farmer is being asked to pay too large a share of the burden which I recognize will have to be borne by the American economy if we are to have a reciprocal trade program. But, nevertheless, the American farmer is being asked to pay too large a share of the burden of the reciprocal trade program.

I am satisfied that I now very accurately describe a trend among American farmers when I say that certainly in the West there is growing opposition to a reciprocal trade program, because the

fears of farmers are being greatly increased through just such incidents as I am describing in respect to the cherry growers.

I have said in correspondence with many of these farm leaders who have been urging me to take a modified position on reciprocal trade that I cannot accept what I think is one of the underlying major premises of the attack which is being made upon the reciprocal trade approach to our foreign trade problems. That underlying attack rests upon a desire, or an intention, or a purpose on the part of certain groups which are making strong appeals, including appeals to farmers, for drastic modifications of the reciprocal trade program, to return to the principles of a Smoot-Hawley tariff program. In all honesty, I have to say to the farm groups in my State that in the long run a return to the old high-tariff-wall practices, and the principles of the Smoot-Hawley tariff, will wreck American agriculture, as well as wreck our economy in general. That era in our history is gone forever. I am satisfied that we are now living in a new world situation which makes it compelling that the nations engage in an extensive international trade intercourse if any nation is to enjoy for long a standard of high prosperity.

Mr. President, I know how easy it is for any group that is being subjected at a given time to an undue sacrifice as a result of the development of the reciprocal trade program on the part of our Government, to take the position—and it is quite human—that it may be that in the years to come such a program will inure to the general benefit of the country as a whole, but that is of little satisfaction to the individual farmer or individual businessman who is confronted with great financial loss, or even bankruptcy, because the necessary steps have not been taken by our Government to protect him from a failure on the part of the State Department to assure that reciprocal trade will in fact work both ways in respect to these agreements. Farmers and businessmen are entitled to assurance from our Government that necessary steps will be taken by the Federal Government to provide those who have to suffer undue losses just compensation for their losses.

After all, if the program is justified, it is justified from the standpoint of benefiting the people of the country as a whole, and if in respect to any particular agricultural product, for example, we are to adopt a program which means undue and unreasonable financial loss or bankruptcy to the farmers concerned, I say here and now that that is an obligation of 145,000,000 American people, and not the obligation of sacrifice to be borne merely by the one selected group.

Mr. President, that is why I have been heard to say heretofore on the floor of the Senate that we need to keep in mind the fact that, in the case of the agricultural industry, it takes years for a farmer to develop his orchard, for instance, or develop his livestock, or develop his facilities to produce his other farm products, and if the Government comes along with a State Department program which wipes him out overnight, I say that in all justice the Government of the United States should first take the steps necessary to assure that particular individual that he will not have to suffer bankruptcy or great financial loss. In other words, it calls for much planning and for an investigation to determine what the effect of a particular program will be on the different segments of our economy.

I make these statements preliminary to a discussion of this particular example, because if it should come to pass—and I am satisfied that the State Department has no intention that it shall come to pass—that the State Department proceeds to negotiate an agreement which results in the financial destruction of the owners of orchards in the Pacific Northwest, then it is the obligation of our Government, in my judgment, to take the appropriate steps which will give to the farmers concerned due compensation for the great losses suffered from any such trade agreement.

It simply is not just, it is not fair, for us to proceed with a foreign trade policy which causes people now in possession of the property which will be destroyed as a result of the agreement, to suffer the entire loss in order that our population as a whole, in the years to come, may have the advantages which, over the long period of time, I am satisfied, will flow from a general pattern of a reciprocal-trade program.

Mr. President, that is the simple formula upon which I shall insist, because the individuals concerned cannot be expected, nor should they be, to favor the extension of a reciprocal-trade program, which I think is vital to the future prosperity of my country, if they are to suffer great losses therefrom. We cannot expect certain groups within our citizenry to bear all the loss which is entailed in getting such a program into operation.

Thus, I repeat, if the State Department should follow a course of action of negotiating a trade agreement which results in great financial loss and bankruptcy to the orchardists of the Pacific Northwest in respect to this specific example, namely, the cherry growers, then there is an obligation on the part of Congress to take the steps necessary to make them whole. I serve notice here and now that I shall do all that is within my power to see to it that necessary legislation is introduced and passed which will give the Members of the Congress an opportunity to stand up and be counted as to whether or not they want to vote on the side of fairness and justice in these matters.

Mr. President, I also wish to issue a warning today to the Administration. The reciprocal trade debate is ahead of us in the weeks immediately to come. As one who has stood by the Administration in the reciprocal trade program, I wish to warn the Administration now that there is a rising tide of opposition to the program among the farmers of America. Their opposition rests on a belief that the Administration to date has not given real indication that it intends to take the steps necessary to protect the farmers from any unreasonable losses which may flow from a reciprocal trade agreement affecting agricultural products.

Now, as to the squeeze play to which I referred, in respect to what is going on in the matter of the purchasing of cherries raised in this season's crop, I wish to read a letter which I wrote to the Secretary of State under date of June 9, 1949:

MY DEAR MR. SECRETARY: I have just returned from a week's visit to Oregon and from a conference with a number of cherry growers. They are greatly concerned because of the small returns on their Royal Ann and other brine cherries. Last year the eastern buyers who provide the principal market for cherries of this type paid the growers 12 cents a pound for the Oregon cherries. This year they are paying 5 cents a pound for Royal Anns and 4½ cents for the black variety of Oregon cherries.

These cherries, Mr. President, are not limited to orchard varieties in the State of Oregon, but they are common orchard varieties in the entire Northwest.

The growers inform me that it costs 3 cents a pound to pick the cherries and 1 cent a pound to haul them which leaves the farmers ½ cent margin on the black variety and 1 cent on the Royal Ann. This means that the Oregon cherry growers will suffer tremendous financial losses this year and a greater number will go bankrupt.

The chief reason for the low price which the eastern buyers are paying is, according to their claims, that they expect the State Department to cut the tariff on cherries 50 percent and flood the market with Italian cherries.

The California growers, who are getting 7 cents a pound, are in a little better position because these cherries are processed as maraschino cherries right in California.

But they are not in a sufficiently good position even at 7 cents a pound to make it possible for them to make the cost of production, let alone a reasonable return on their labor and investment.

Returning to the letter:

I think it is very essential that we learn from the Department of State what its intentions are with respect to reducing the tariff on Italian cherries which would also carry a similar reduction on cherries coming in from France. If there is any intention of negotiating for such an outrageous cut in the tariff, I want to know it now before this reciprocal-trade debate starts in the Senate.

If there is no likelihood of such a cut, then I think a statement should be made to that effect by the Department so that these eastern buyers can be prevented from using the State Department in this matter in their negotiations with the Oregon cherry growers. It is very important that I have a reply as early as possible not only in connection with my consideration of the reciprocal-trade-agreements legislation but because the Northwest cherry growers are entitled to protection from the type of tactics the eastern buyers are adopting through their assumption of State Department action.

Sincerely yours.

Before I discuss the reply which I received from the Department of State, I desire to insert at this point in the RECORD a typical telegram which I have received on this matter from one of the cherry growers, Mr. Robert E. Shinn, an official of the Willamette Cherry Growers' Association, under date of June 10:

PORTLAND, OREG.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

For your information uncertainty of outcome of present negotiations on proposed brined-cherry tariff reduction under trade agreement with Italy is seriouly affecting

prices offered Pacific coast cherry growers by briners and canners. Brined-cherry packers are now offering growers 4½ cents to 5 cents per pound, which is about one-third growers' cost of production, but packers are reluctant to buy at any price. A recently circulated false rumor that a 50-percent reduction of brined-cherry tariff will soon be announced caused buyers of cherries for canning to reduce their offers to growers. We are asking Department of Agriculture to inform State Department and negotiators at trade-agreements conference in France of this situation.

ROBERT E. SHINN,
Willamette Cherry Growers.

I wish to close this discussion by reading into the RECORD a telegram which I sent this morning to the various cherry growers' associations in the Pacific Northwest, which telegram includes by way of quotation a letter which I also received this morning from the Acting Secretary of State. I make it a matter of record, Mr. President, because I want no doubt on the part of anyone, including those in the State Department, as well as those representing the eastern buyers and other buyers and the Oregon Cherry Growers' Association, and also the Members of the Senate, as to just what I consider this situation to be. I think it is sort of a bellwether case, because here we have come to grips with facts that cannot be denied so far as the effect the rumor of a 50-percent cut in the tariff on cherries is having on the orchardists of the Pacific Northwest.

Their cherries are ripe today, tons and tons of them, and within the next 10 days thousands of tons of cherries will drop from the trees. They are not going to be picked, because it simply cannot be expected that the growers of these cherries will pay 3 cents a pound to have the cherries picked, and then receive only 4½ cents a pound for them after they pay the additional 1 cent a pound to get them transported, when the cause of this low price obviously seems to be the rumored threat of a 50-percent cut in the tariff on cherries.

So I say to my Government today from this desk that if it should follow such a course of action it should recognize at the same time that it assumes a moral obligation to protect these cherry growers from the bankruptcy loss that will flow from such an unconscionable course of action.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. TOBEY. There exists a tremendous disparity between the price paid to the cherry growers—and I know the Senator from Oregon speaks with authority on that subject—and the retail price of cherries on the streets of Washington, which is 75 cents a pound.

Mr. MORSE. I would that the Senator from New Hampshire would not get me started on that subject because I could not finish before 5 o'clock. I simply want to dismiss that point by saying I completely agree with what I know are the implications in the Senator's remarks. It is another illustration of the trouble faced by the greatest gambler in America, but he is a legal gambler, the American farmer, who has to gamble constantly against great economic odds. When we really think of the contribution he makes to our economic life and to the health and happiness of each one of us, it is no wonder that sometimes many of us show a little irritation when we listen to some of the very unfair proposals which are made for keeping the farmer at an exceedingly low level of living within our American system.

Mr. President, I think my telegram speaks for itself. I shall make a few comments on it after I have completed the reading of it:

JUNE 16, 1949.

Assistant Secretary of State Thorp for Economic Affairs has just delivered to me in person a letter signed by James E. Webb, Acting Secretary of State, in regard to the very serious price crisis which faces the Oregon cherry producers. This followed several conferences I had with officials in the State Department handling reciprocal-trade agreements. The letter reads as follows—

The letter is signed by the Acting Secretary of State, James E. Webb.

"I have received your letter regarding the current prices being offered Oregon cherry growers by eastern buyers. Present prices are depressed, according to the eastern buyers, because they expect that the market may be flooded with Italian cherries as a result of a possible modification in the United States tariff. Cherries, sulfured, or in brine, with pits or with pits removed, are on the public list of items on which tariff modifications may be considered by the United States in the negotiations now under way at Annecy, France between the 23 governments which are contracting parties to the general agreement on tariffs and trade and 11 acceding governments. This list was issued on November 5, 1948, and consisted of products which on the basis of preliminary analysis appeared to warrant a thorough study in order to determine whether a concession should be made. Inclusion of cherries on the list of products does not necessarily mean that the existing tariff rate will be either reduced or bound. Pursuant to a public notice of intention to negotiate with the 11 countries wishing to accede to the general agreement, issued at the same time as the public list of items, this Government held public hearings at which interested persons or organizations were given an opportunity to submit written and oral briefs to the committee for reciprocity information regarding the specific items under consideration. Representatives of both the growers and processors of cherries appeared before this committee on December 10, 1948. The information obtained at the hearings and from the other governmental agencies participating in the trade-agreements program was then very carefully analyzed by the Interdepartmental Trade Agreement Committee consisting of representatives of the Departments of Agriculture, Commerce, Labor, State, Treasury, the Economic Cooperation Administration and the National Military Establishment. In arriving at its recommendations, which are transmitted to the President for his approval, the Trade Agreements Committee must or necessity keep in mind the statement made by President Truman in a letter to Mr. SAM RAYBURN, Speaker of the House, to the effect that the trade agreement authority would not be used in such a way as to endanger or trade out segments of American industry, American agriculture or American labor. The administration of the trade-agreements program since 1934 should give ample evidence that no section of the American economy will be seriously injured by increased imports as a result of concessions made in trade agreements. In fact, some critics of the program have stated that the administration has been too cautious in its efforts to prevent any injury whatsoever to domestic producers. This record of 15 years of careful administration does not support the claims of the eastern buyers of Oregon cherries that the market will be flooded with Italian cherries as a result of a possible tariff concession made at the Annecy negotiations. I very much regret that it is not practicable to give you the actual recommendation of the Interdepartmental Trade Agreement Committee on brined cherries. It is the firm policy of the Administration, specifically concurred in by the President, that no advance information as to the possible nature or extent of concessions under actual negotiation shall be divulged."

I digress from the letter to say that I think the reasons stated are very reasonable. I fully appreciate the position in which the Secretary of State finds himself in this respect.

I digress further to say that if I read this letter correctly, I read it as a letter in which the Acting Secretary of State has gone just as far as any Senator has a right to expect him to go, in view of his obligations and duties, so far as disclosing specific information concerning actual negotiations with respect to reciprocal trade agreements is concerned. I never ask—at least intentionally—for the impossible; and when the Secretary of State or any other official gives me so reasoned a discourse as this letter to me is, in respect to the restrictions and limitations necessarily imposed upon him, I hope that I, in turn, will always be reasonable enough to appreciate his position.

Returning to the letter, I give the reason which the Acting Secretary has set forth in the letter as to why he could not give me the detailed specific information which I asked for in my letter of June 10:

The reason for this is that during the course of negotiations any given offer may be reduced or expanded, depending upon the offers which the other country is prepared to make. Information on preliminary offers might lead businessmen to conclude contracts which might be very unsatisfactory if the rate finally agreed upon differed substantially from the initial offers. Any change in a preliminary offer which had been disclosed would undoubtedly lead to charges of bad faith. Furthermore, it is believed that we must maintain a consistent policy with regard to disclosure of our negotiating positions. It would be impossible to release information on certain products without also releasing information on other products. I believe you will appreciate the compelling reasons for maintaining these recommendations secret while the negotiations with foreign countries are under way. I would like to assure you that I appreciate the important information presented in your letter and I am having copies sent to all the agencies of the Government concerned with the trade-agreements program and by air pouch to the United States delegation at Annecy.

I continue with the telegram which I sent this morning to the interested parties in the Pacific Northwest because I want the remainder of the telegram as a matter of record too. If there is any exception to it on the part of any department or official of Government, I now ask that official or department to serve notice upon me as to the exception. If this is not a fair interpretation of the Secretary's letter and the conversation I had this morning with Mr. Thorp, the Acting Secretary of State for Economic Affairs, I want to know it.

The remainder of the telegram is as follows:

At our conference this morning I discussed this cherry price crisis with Mr. Thorp in detail and I am satisfied from my conference with him that there is absolutely no basis in fact for the representation being made by eastern buyers to Oregon cherry growers that they cannnot pay more than 4½ to 5 cents a pound for cherries because of a threatened 50-percent cut in the existing cherry tariff in any new reciprocal trade agreement. Obviously, as Mr. Webb points out in the letter, the State Department cannot give advance information of negotiations which are taking place in respect to various reciprocal trade agreements because they would lead not only to abuse of speculative practices but it would make it practically impossible to carry on negotiations. However, I am satisfied both from Secretary Webb's letter and my conference with Mr. Thorp this morning that the State Department is greatly concerned about the representations which eastern cherry buyers are making to Oregon cherry growers concerning an unfounded rumor that the tariff on cherries will be cut 50 percent. I am satisfied that the eastern cherry buyers are using this unfounded rumor in an attempt to take an unwarranted price advantage of Oregon cherry growers. I intend to discuss the matter briefly on the floor of the Senate today in the hope that a public disclosure of this unwarranted representation on the part of eastern fruit buyers will cause them to revise upward their price offers. I think we must appreciate the fact that the eastern buyers themselves may be laboring under a good-faith fear that there is a danger that the cherry market will be flooded by a drastic cut in the cherry tariff and I am hoping that Secretary Webb's letter which I am making public today in statement on the floor of the Senate and the remarks which I shall make in regard to my conference with him this morning will prove the State Department has no intention of taking any action which will imperil the cherry growers as a result of tariff concessions. If the information which I have obtained for you fails to result in a change in the offers of the eastern fruit buyers I suggest that the growers try to work out a sale arrangement whereby the price will be a reasonably higher figure if there is no drastic cut in the cherry tariff and a lower figure on a sliding scale if there is a tariff cut. I am satisfied that such an arrangement will call the bluff of the eastern cherry buyers if they are not acting in good faith and at the same time fully protect the growers because I am convinced that the State Department has no intention of injuring the cherry growers. I know that high officials in the State Department have discussed the cherry problem with Secretary of Agriculture Brannan and I know that the Department of Agriculture has made very clear to the State Department officials the serious consequences that would be suffered by the cherry growers if any substantial cut is made in the cherry tariff. If there is anything further you think I can do in regard to this problem, please send instructions and I shall be glad to carry them out.

Regards.

WAYNE MORSE,
United States Senator.

Mr. President, I close by saying that I think the example I have offered on the floor of the Senate today as to the relationship between the reciprocal trade program and the agricultural interests of the United States is as clear an example as any Senator could possibly offer. In fact, it is an example which deals only with a rumor of a tariff cut. Imagine what would be the result if we were beyond the state of a rumor, and were actually dealing with the reality of a tariff cut which would do such great damage to any segment of our agriculture.

Thus, Mr. President, I close by reiterating my service of notice on the Administration that if it adopts a reciprocal trade program which it believes necessary to the future economic stability and prosperity of the country, I say there is a moral obligation resting upon the Government to take the necessary steps to provide for the immediate compensation and relief of those few of our citizens who by such agreements are called upon to make a tremendous sacrifice of their own material well being and wealth, for the benefit of the rest of the population as a whole. I point out that it simply is not fair, just, or conscionable ever to follow a trade agreement course of action which, for example, would cause a cherry grower, after taking from 7 to 12 years to get his cherry trees into commercial production, virtually to lose his orchard overnight as the result of any trade agreement entered into by the State Department because of the view of the Department that perhaps in the years to come such reciprocal trade agreements will be conducive to greater economic stability in this country.

Mr. President, I shall continue to support the principle of reciprocal trade agreements; but to those who are taking exception to the fact that I think we need to hold the State Department in check in order to see to it that it does not do the type of damage I am talking about today, I serve notice now that I also shall be among those on the floor of the Senate who always will insist that trade agreements be reciprocal on the part of all parties signatory thereto, and also that our own Government take the necessary compensatory steps to make whole or reasonably whole, those in our economy who are called upon to make an undue sacrifice as a result of the putting of such an agreement suddenly into operation.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HUNT in the chair). Does the Senator from Oregon yield to the Senator from Michigan?

Mr. MORSE. I yield.

Mr. VANDENBERG. I wish to call the Senator's attention to one phase of the letter from the Acting Secretary of State, because I think it underscores the great weakness of the operation of the existing system. The Senator from Oregon will recall that he was assured that, in this instance, the cherry growers were given full opportunity to present their case and to have it assessed by all the various departments of the Government which might be interested or might have competent information on the subject; and in the letter, large numbers of Government departments are identified in that connection. However, I call the attention of the Senator from Oregon to the fact that the United States Tariff Commission is not so identified at all. Yet that is the institution which initially was set up for the purpose of just such a review.

If we could get a little closer, not by way of control over net results, but by way of competent consultation, to the Tariff Commission in these matters, I think we would be a little safer.

Mr. MORSE. I thank the Senator from Michigan for making that significant observation. I think it is well that he has made it.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment B to the Thomas substitute, offered by the Senator from Illinois [Mr. DOUGLAS], on behalf of himself and other Senators.

Mr. THOMAS of Utah. Mr. President, the Communist affidavit provision, of course, was not in the original National Labor Relations Act. It was not in the Taft bill as it came from the committee; and as I recall, it was not in the Hartley bill as it came over to the Senate from the House of Representatives. As I remember, it was presented in the Senate from the floor.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. TAFT. The Senator from Utah is entirely correct, except that it was also put in on the floor in the House of Representatives. So when the conferees met, they were faced with the situation that that provision was put in both on the floor of the House and on the floor of the Senate.

Mr. THOMAS of Utah. Yes.

Mr. President, it now becomes necessary—inasmuch as I am sure the Senate will adopt this amendment, as it has adopted the other amendments which have been offered—to make a few statements about the Communist affidavit provision, because it does not appear in the committee bill.

I should dislike very much to have the idea go out that the committee bill is pro-Communist, because that would do just as much damage as all the thoughtless talk about communism does in all phases of our life, and has done since it began.

My mind goes back to the time when, as a youngster, I read in the newspapers about a great case before the Supreme Court of the United States, in either 1894 or 1895, just after the worst of the 1893 depression, after the birth of the Populist Party in the United States, and after the grange, I believe, had worked so hard to bring about an income tax. One of the greatest lawyers the United States ever produced pleaded the case before the Supreme Court. He made it appear so certain—at least, to my mind, as a result of reading the newspaper reports—that the income tax meant communism at its very worst, that, although I did not know what communism was, yet when I heard that the Supreme Court of the United

States had cut down the income tax, I was very glad that we had been saved from that terrible peril.

So I came into an emotional state of thinking about communism quite as much as the 140,000,000 people in the United States have come into it now.

The Communist affidavit provision was put into the present law in no unfriendly way to industry, but in definitely an unfriendly way to labor, because it implied that labor unions were communistic. Certain labor leaders have felt themselves injured. As has already been stated by the Senator from Illinois, some of them, especially a man like Mr. Lewis, who fought with communism in his union back in the early twenties, and especially with the man who now is before the courts of the United States, charged with being a Communist, shows that his union probably has been as clear from communism as a union can be.

At any rate we have had communism connected with the labor unions, in some way or other, before World War I, after World War I, and at all times. There was the IWW movement after World War I. There was the movement for the one grand and great union, which, had it ever been realized, had the dream ever come true, I think ultimately would have resulted in what is now called a totalitarian dictatorship. Labor would have ruled the whole country under this one grand union. But that did not come about. We have been frightened, as we were frightened by pronouncements before the Supreme Court, as, for instance, when the Gold Clause Act was pleaded before the Supreme Court and one great justice made the pronouncement, "This is Nero at his very worst." Whereupon, very happily, the justice took his hat and coat and went out for his holiday, realizing that the Government would go on very nicely even under the auspices of "Nero at his very worst." That is the glory of our country, that even Supreme Court Justices and Members of Congress can have freedom of speech to such an extent that they can make pronouncements which sound terrifying, which frighten 8- and 9-year-old boys, as I was frightened, and which probably frighten the people now.

It is well that our courts can say what they will, because they are not political courts. But that does not mean that what they say or that what any pleader before that court may say is the truth. We have an income tax now, a graduated income tax, at that, which if the first one was communistic in its nature and would destroy Government, surely this tax which takes more from the rich man than from the poor man would destroy it utterly. The gold clause was declared constitutional, despite Mr. Justice McReynolds' opinion that it constituted "Nero at his very worst." Our country did not come to an end.

The Communist affidavit has not in any way contributed to lessening the evil or the fear of communism. It has brought concern to some people. It was omitted from the committee bill primarily because we are restoring the National Labor Relations Act. But it was omitted, secondarily, because the cases in regard to the Communist affidavits are now being heard in the courts. They have not been pleaded, but the cases are before the courts for judgment. I think those cases were brought to the courts on the assumption that the Communist affidavit is unconstitutional. Speaking for myself, not for the committee, I feel that our bill is very much stronger because it now leaves that question where it belongs.

Now comes the amendment, which I have already said I shall not impose upon the time of the Senate to discuss, because the Senate is going to accept it. Then comes the amendment which in theory is in agreement with the amendment to be offered by the Senator from Ohio, which extends the affidavit requirement to employers. If the Supreme Court of the United States should say that it is wrong to single out a certain group of people and make them sign affidavits when we do not make other groups sign, probably the new amendment is compounding something which is an ill to begin with, rather than a remedy. I understand there is a good deal of fairness in the idea of mutuality, and that if we are going to demand this of one group, we ought to demand it of the other group. That, of course, justifies the amendment.

I want now to speak in general terms. The amendment offered by the Senator from Illinois contains a sentence which includes this language:

> And is not a member of and does not support any organization that believes in or teaches the overthrow of the Government of the United States by force or by any illegal or unconstitutional methods.

Mr. President, if there is in the United States a man with a mind so crude, so imbecilic, I may say, so lacking in understanding of history, and so unreasonable in understanding what the United States means to the world, that he actually believes it would be well to bring about the overthrow of the Government of the United States, that man ought to be outlawed. Such a person is a danger not only to the United States; he is in his mind committing treason, not only against the United States but he is committing the grossest form of treason against the whole world. Why? Not because the United States is the world, but because the only source of stability left in any government on earth is to be found here. The only economic stability we have in respect to money in the world rests upon the dollar. To destroy either of those means to bring about the destruction of the world. So that if there is such a person, he has in his mind a crime that is too heinous to mention.

Let me elaborate. We have had two World Wars. The most stable governments of Europe have now joined with the United States in the ECA, and they are pinning their hopes, their aspirations, and their very lives upon the ability of the United States to remain stable. Some of those nations took part in the recent World War on the winning side. One of them has won two world wars, and where is it today? Some of those countries were on the other side. Even the loss of a world war is bad enough. There are neutrals, not genuine neutrals, in the ECA; but there are neutrals in Europe who are left, and the neutrals are worse off. We in the United States realize that we cannot afford to lose another war. We realize also that the obligations upon us are so great that we cannot afford to win another war.

That brings us to the place where if there is anybody who is interested in bringing about the downfall of the only stable thing there is left in the world, then such a person is a menace, and if by outlawing him in this way we could get rid of him, it would be very fine. But everyone here knows the amendment will not eradicate that evil. Therefore, Mr. President, I think that much should be said about the Communist affidavit. I think it should be pointed out that the committee bill probably would have taken care of the matter in a better way. If there be a wrong, it does not improve matters to make it mutual, by bringing everybody into the picture. That does not diminish the wrong. Yet, Mr. President, I feel sure the amendment will be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment, as modified, offered by the Senator from Illinois for himself and other Senators.

Mr. TAFT. Mr. President, this amendment, like the other three amendments, is an effort to put into the Thomas bill provisions in substance of the Taft-Hartley Act. The amendment adds the requirement of affidavits by employers in addition to affidavits by labor-union leaders. I think if the amendment had been originally offered in the committee and the committee had approved it, it would have contained both requirements. In the debate on the Taft-Hartley law the amendment was offered on the floor, and the requirement that employers shall file affidavits was not thought of. It was not thought of because there was no menace, so far as we knew, among employers. Since that time there have been some revelations which indicate we were perhaps mistaken about that, and that there may be Communists and Communist sympathizers among various employer organizations as well as in employee organizations. The substitute bill introduced by the Senator from New Jersey [Mr. SMITH], the Senator from Missouri [Mr. DONNELL] and myself also contains a provision with respect to employers filing affidavits. The reason why it was not considered so important with reference to employers is because Communists have always regarded the infiltration of labor unions as their best method of advancement in any country.

I should like to read from a book by Benjamin Gitlow, who was formerly a candidate for Vice President on the Communist ticket and was for many years a leader of the Communist Party. His book is entitled "The Whole of Their Lives." At page 285 he says:

> Stalin wrote, on the immediate tasks of the Communist parties, the following:
>
> "If, therefore, the Communist parties wish to become mass parties, capable of setting revolution afoot, they must create intimate ties between themselves and the trade-unions, and must find support in these industrial organizations."

Gitlow goes on to say:

Stalin is emphatic and categorical. Without support in the unions, Communist parties cannot make a revolution. Getting control of the unions is, therefore, the No. 1 task of the Communist Party. By getting control of the unions, the Communists mean getting control of the unions in the decisive, the basic industries of the land, the industries upon which the economic life of the country depends.

Mr. Gitlow continues to describe how Communists did infiltrate unions and how many unions, in effect, became Communist controlled. It is, of course, generally admitted that there are three or four large unions which are still Communist controlled. So that there is more of a menace there than there is among employers. The fact that the employer end of it was overlooked was chiefly because we were dealing with realities and real dangers to the welfare of the people of the United States, and that danger is not found among officers of corporations except to a limited extent. However, I quite agree that in that limited degree we should deal with the subject.

I have no objection to the adoption of this amendment to the Thomas bill, because we have a somewhat stronger amendment. I think this particular amendment is not so good as the one we have offered in our substitute, because it contains these words:

Provided, That no such affidavit shall be required of any labor organization or employer or employer association whose constitution or governing laws have the effect of prohibiting any officer or officers thereof from being a member of, or affiliated with, any organization specified in paragraph (B) if upon request of the labor organization, employer, or employer association for the waiver of such affidavits, the Board determines that such prohibition is being enforced in good faith.

In effect, what will happen is that those rules will be written into all the union rules, and when an application is made the Board will not have time to inquire whether the rules are being enforced in good faith. That is a long and difficult determination, and the Board will probably waive the requirement of an affidavit. Those words make it more or less innocuous. If I did not feel that we would offer an amendment later to substitute for it, I would oppose the adoption of this amendment; but it is better to have something in the bill than to have nothing in it in reference to that subject, if it should become law.

Mr. LONG. Mr. President, I certainly hope the amendment will accomplish the purpose which it is aimed to achieve. I shall vote for it on that basis. However, I fear that this amendment could create sympathy among laboring people for the Communists rather than against them. Almost all the mail I have received from persons who are members of labor unions has asked me to vote against the Taft-Hartley law. I am inclined to believe that if legislation is directed against labor and against Communists in the same law, it might tend to make laborers sympathize with the Communists. If we pass legislation favorable to labor that would not be the effect of the amendment.

The VICE PRESIDENT. The question is on agreeing to the modified amendment to the Thomas substitute offered by the Senator from Illinois, for himself and other Senators.

The amendment, as modified, was agreed to.

The VICE PRESIDENT. The bill is still open to further amendment.

Mr. TAFT and Mr. THOMAS of Utah addressed the Chair.

The VICE PRESIDENT. The Senator from Ohio.

Mr. TAFT. Mr. President, I wish to offer an amendment, but I shall be glad to yield to the Senator from Utah for a unanimous-consent request.

Mr. THOMAS of Utah. Mr. President, we have offered what might be called noncontroversial amendments and they have been adopted. I wish now to offer two additional noncontroversial amendments.

The VICE PRESIDENT. The Senator will have to be recognized in his own right in order to do that.

Mr. TAFT. I thought the Senator had a unanimous-consent request. I yield the floor.

The VICE PRESIDENT. The Senator from Utah is recognized.

Mr. THOMAS of Utah. I offer the amendment which I send to the desk. It is to strike out "$17,500" and to insert "$12,000". It is an amendment referring to salary. We decided to leave the salary as it is, and any future increase will come up in the regular way.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 8, line 11, it is proposed to strike out "$17,500" and to insert "$12,000".

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the so-called Thomas substitute.

The amendment was agreed to.

Mr. THOMAS of Utah. Mr. President, I offer another amendment which I send to the desk and ask to have stated. It is made necessary because of exemptions of persons having to do with the National Railway Labor Act. I hope this amendment will be adopted.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from Utah.

The CHIEF CLERK. It is proposed to amend section 405 to read as follows:

EXEMPTION OF PERSONS SUBJECT TO THE RAILWAY LABOR ACT

SEC. 405. The provisions of titles I, II, and III of this act shall not apply to any carriers, companies, employees, or any matter subject to the Railway Labor Act, as amended, or to any representative as defined in section 1 (6) of said act, while acting in a representative capacity for individuals employed by any person subject to said act.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the so-called Thomas substitute.

The amendment was agreed to.

Mr. TAFT. Mr. President, on behalf of the Senator from New Jersey [Mr. SMITH], the Senator from Missouri [Mr. DONNELL], and myself, I offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. Does the Senator want the amendment read in full?

Mr. TAFT. No. It has been on the desk for some days.

The VICE PRESIDENT. Without objection, the amendment will be printed in the RECORD.

The amendment offered by Mr. TAFT, for himself and other Senators, is as follows:

Strike out all of title III of the amendment of Mr. THOMAS of Utah, dated May 31, 1949, and insert in lieu thereof the following:

"TITLE III—NATIONAL EMERGENCIES

"SEC. 301. Whenever in the opinion of the President of the United States a threatened or actual strike or lock-out affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, if permitted to occur or to continue, will imperil the national health or safety, he shall issue a proclamation to that effect and urge the parties to the dispute to refrain from a stoppage of work, or if such stoppage has occurred, to resume work and operation in the public interest.

"SEC. 302. (a) After issuing such a proclamation, the President shall promptly appoint a board to be known as an 'emergency board.'

"(b) Any emergency board appointed under this section shall promptly investigate the dispute, shall seek to induce the parties to reach a settlement of the dispute, and in any event shall, within a period of time to be determined by the President but not more than 30 days after the issuance of the proclamation, make a report to the President, unless the time is extended by agreement of the parties, with the approval of the board. Such report shall include the findings and recommendations of the board and shall be transmitted to the parties and be made public. The Director of the Federal Mediation and Conciliation Service shall provide for the board such stenographic, clerical, and other assistance and such facilities and services as may be necessary for the discharge of its functions.

"(c) An emergency board shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

"(d) Members of an emergency board shall receive compensation at the rate of $50 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

"(e) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U. S. C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

"(f) Each emergency board shall continue in existence after making its report for such time as the national emergency continues for the purpose of mediating the dispute, should the parties request its services. When a board appointed under this section has been dissolved, its records shall be transferred to the Director of the Federal Mediation and Conciliation Service.

"(g) A separate emergency board shall be appointed for each dispute. No member of an emergency board shall be pecuniarily or

otherwise interested in any organization of employees or in any employer involved in the dispute.

"SEC. 303. (a) At any time after issuing a proclamation pursuant to section 301 the President may submit to the Congress for consideration and appropriate action a full statement of the case together with such recommendations as he may see fit to make.

"(b) In any case in which a strike or lock-out occurs or continues after an emergency board has made its report the President shall submit to the Congress for consideration and appropriate action a full statement of the case, including the report of the emergency board and such recommendations as he may see fit to make. If the Congress or either House thereof shall have adjourned sine die or for a period longer than 3 days, he shall convene the Congress, or such House, for the purpose of consideration of and appropriate action pursuant to such statement and report.

"SEC. 304. (a) After issuing a proclamation pursuant to section 301 the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof or for authority for the President to take immediate possession and through such agency or department of the United States as he may designate to operate such industry, or both, and if the court finds that such threatened or actual strike or lock-out—

"(1) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

"(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof or to authorize the President to take immediate possession and through such agency or department of the United States as he may designate to operate such industry, or both, and to make such other orders as may be appropriate: *Provided*, That during the period in which such agency or department is in possession, the Federal Mediation and Conciliation Service and the emergency board shall continue to encourage the settlement of the dispute by the parties concerned, and the agency or department designated to operate such industry shall have no authority to enter into negotiations with the employer or with any labor organization for a collective-bargaining contract or to alter the wages, hours, and conditions of employment existing in such industry prior to the dispute.

"(b) In any case, the provisions of the act of March 23, 1932, entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", shall not be applicable.

"(c) The order or orders of the court shall be subject to review by the appropriate circuit court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in section 1254 or title 28 of the United States Code.

"SEC. 305. (a) Whenever a district court has issued an order under section 304 enjoining acts or practices which imperil or threaten to imperil the national health or safety or authorize the President to take possession and operate such industry, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences.

"(b) At the end of a 60-day period following the issuance of a proclamation pursuant to section 301 or upon a settlement being reached, whichever happens sooner, the Attorney General shall move the court to discharge the injunction and return the industry to the owners thereof if the President has taken possession, which motion shall then be granted and the injunction discharged.

"SEC. 306. When a dispute arising under this title has been finally settled, the President shall submit to the Congress a full and comprehensive report of all the proceedings, together with such recommendations as he may see fit to make.

"SEC. 307. The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time."

Mr. DONNELL. Mr. President, will the Senator yield for the purpose of my suggesting the absence of a quorum?

Mr. TAFT. I think the Senator from New York [Mr. IVES] desires to offer an amendment.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DOUGLAS. Is the amendment offered by the Senator from Ohio the pending question?

The VICE PRESIDENT. It is now the pending question.

Mr. DOUGLAS. Then on behalf of the Senator from Vermont [Mr. AIKEN] and myself, I wish to offer as a perfecting amendment to the amendment offered by the Senator from Ohio the amendment which I send to the desk.

The VICE PRESIDENT. Is the Senator from Illinois offering an amendment to the amendment, or a substitute for it?

Mr. DOUGLAS. It is a perfecting amendment to the amendment offered by the Senator from Ohio. In my belief, a perfecting amendment has priority over a substitute, has it not?

The VICE PRESIDENT. The substitute offered by the Senator from Ohio is subject to amendment in one degree.

Mr. DOUGLAS. I am offering this as an amendment.

The VICE PRESIDENT. Is it an amendment to the substitute of the Senator from Ohio, or is it an amendment to the text of the bill?

Mr. DOUGLAS. It is an amendment to the amendment offered by the Senator from Ohio.

The VICE PRESIDENT. The amendment is in order, and the clerk will state the amendment. Does the Senator want the amendment read?

Mr. THOMAS of Utah. Mr. President, I think the amendment should be read.

The VICE PRESIDENT. The clerk will state the amendment to the substitute.

The CHIEF CLERK. It is proposed to strike out all after line 21 on page 2 of the amendment in the nature of a substitute offered by the Senator from Ohio [MR. TAFT] and insert in lieu thereof the following:

(c) After a Presidential proclamation has been issued under Section 301, and until sixty days have elapsed after the report has been made by the board appointed under this section, the parties to the dispute shall continue or resume work and operations under the terms and conditions of employment which were in effect immediately prior to the beginning of the dispute unless a change therein is agreed to by the parties.

POWERS OF EMERGENCY BOARDS

SEC. 303. (a) A separate emergency board shall be appointed pursuant to section 302 for each dispute and shall be composed of such number of persons as the President may deem appropriate, none of whom shall be pecuniarily or otherwise interested in any organizations of employees or in any employer involved in the dispute. The provisions of section 11 of the National Labor Relations Act, as amended by this Act (relating to the investigatory powers of the National Labor Relations Board) shall be applicable with respect to any board appointed under this section, and its members and agents, and with respect to the exercise of their functions, in the same manner that such provisions are applicable with respect to the National Labor Relations Board. Any board appointed under this section may prescribe or adopt such rules and regulations as it deems necessary to govern its functions. Members of emergency boards shall receive compensation, at rates determined by the President, when actually employed, and travel expenses as authorized by section 5 of the Act of August 2, 1946 (8 U. S. C. 75b-8), for persons so employed. Each emergency board shall continue in existence after making its report, subject to the approval of the President, for such time as the national emergency continues for the purpose of mediating the dispute, should the parties to the dispute request its services. When a board appointed under this section has been dissolved, its records shall be transferred to the Secretary of Labor.

SEC. 304. (a) After a Presidential proclamation has been issued under section 301 of this title, if the President finds a failure of either or both parties to the dispute to observe the terms and conditions contained in the proclamation, or an imminent threat of such failure, the President is authorized to take possession of and operate through such agency or department of the Government as he shall designate any business enterprise, including the properties thereof, involved in the dispute, and all other assets of the enterprise necessary to the continued normal operation thereof.

(b) Any enterprise or properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) such owners have reached an agreement with the representatives of the employees in such enterprise settling the issues in dispute between them, or (2) the President finds that the continued possession and operation of such enterprise by the United States is no longer necessary under the terms of the proclamation provided for in section 301: *Provided*, That possession by the United States shall be terminated not later than 60 days after the issuance of the report of the emergency board unless the period of possession is extended by concurrent resolution of the Congress.

(c) During the period in which possession of any enterprise has been taken under this section, the United States shall hold all income received from the operation thereof in trust for the payment of general operating expenses, just compensation to the owners as hereinafter provided in this subsection, and reimbursement to the United States for expenses incurred by the United States in the operation of the enterprise. Any income remaining shall be covered into the Treasury of the United States as miscellaneous receipts. In determining just compensation to the owners of the enterprise, due consideration shall be given to the fact that the United States took possession of such enterprise when its operation had been interrupted by a work stoppage or that a work stoppage was imminent, to the fact that the United States would have returned such enterprise to its owners at any time when an agreement was reached settling the issues involved in such work stoppage, and

to the value the use of such enterprise would have had to its owners in the light of the labor dispute prevailing had they remained in possession during the period of Government operation.

(d) Except as provided herein, any enterprise possession of which is taken by the United States under the provisions of subsection (a) of this section shall be operated under the terms and conditions of employment which were in effect at the time possession of such enterprise was so taken.

(e) Whenever any enterprise is in the possession of the United States under this section, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such enterprise are members, and of the officers of such labor organization, to seek in good faith to induce such employees to refrain from a stoppage of work and not to engage in any strike, slow-down, or other concerted refusal to work, or stoppage of work, and if such stoppage of work has occurred, to seek in good faith to induce such employees to return to work and not to engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such enterprise is in the possession of the United States.

(f) During the period in which possession of any enterprise has been taken by the United States under this section, the employer or employees or their duly designated representatives and the representatives of the employees in such enterprise shall be obligated to continue collective bargaining for the purpose of settling the issues in the dispute between them.

(g) (1) The President may appoint a compensation board to determine the amount to be paid as just compensation under this section to the owner of any enterprise of which possession is taken. For the purpose of any hearing or inquiry conducted by any such board the provisions relating to the conduct of hearings or inquiries by emergency boards as provided in section 303 of this title are hereby made applicable to any such hearing or inquiry. The members of compensation boards shall be appointed and compensated in accordance with the provisions of section 303 of this title.

(2) Upon appointing such compensation board the President shall make provision as may be necessary for stenographic, clerical, and other assistance and such facilities, services, and supplies as may be necessary to enable the compensation board to perform its functions.

(3) The award of the compensation board shall be final and binding upon the parties, unless within 30 days after the issuance of said award either party moves to have the said award set aside or modified in the United States Court of Claims in accordance with the rules of said court.

Mr. TYDINGS. Mr President, I should like to ask the Senator from Illinois a question about the amendment to the substitute.

Mr. DOUGLAS. Mr. President, let me say, first, that this is not offered as a substitute for the substitute of the Senator from Ohio, but as a perfecting amendment to it, in the hope that the Presiding Officer will rule that a perfecting amendment has priority over the substitute.

Mr. TYDINGS. During the period after the Government takes over a particular industry, has the Government the right to fix terms of labor which will be binding when the industry is turned back to the private owner? In other words, can the Government act as the owner and agree to terms of labor, and then turn the industry back to the owner?

Mr. DOUGLAS. The answer is "No." The Government has no power to fix wages or terms of employment during the period when it has the plant in its possession, nor will any award recommended by the Board be binding after the properties have been returned to the owners. The effort is made to provide a cooling-off period during which the processes of conciliation can work.

Mr. TYDINGS. I thank the Senator for his answer, and in order that I may understand fully what he has in mind, let me say that it is my understanding that under the amendment in substantially the form in which I first heard it discussed it would have been possible, in the way the amendment was then worded, for the Government to agree with labor organizations as to hours of work, compensation, and the like. But as I listened to the reading of it I gathered that has been changed, so the explanation I now hear is accurate as to the pending proposal.

Mr. DOUGLAS. Yes.

Mr. TYDINGS. But is it not true that when it was originally discussed that gap was left in the provision?

Mr. DOUGLAS. I am not certain about the conference to which the Senator from Maryland is referring. I will say that in a very early draft——

Mr. TYDINGS. That is what I mean.

Mr. DOUGLAS. There was such a provision, but that was eliminated, and in the discussion which took place in a meeting of Senators which we both attended, I tried to make it clear at that time that the proposal did not call upon and did not authorize the Government to fix wages or working conditions during the period of seizure, and that it could not alter the terms from those which prevailed when the properties were originally taken over.

Mr. TYDINGS. That was my understanding as I listened to the reading of the amendment. Now may I ask the Senator if he could, in a few sentences, and without delaying the debate greatly, tell me what are the essential differences between the Taft substitute and the amendment which the Senator from Illinois has just offered.

Mr. DOUGLAS. I am not certain that the Senator from Ohio would accept me as the proper explainer of his substitute.

Mr. TYDINGS. What I should like to have is a statement of the differences between them.

Mr. DOUGLAS. The major differences will, of course, develop during the course of the debate. But I would say, subject to correction by the Senator from Ohio, that the Senator from Ohio proposes a double-headed method, as I understand it, of dealing with these national emergency strikes. One of them is the injunction, namely, an order obtained by a governmental body from a court compelling the officials of a union to send the men back to work for private employers, for private profit, and also providing under such terms for seizure. We limit ourselves to seizure by the Government.

Mr. TYDINGS. I understand the Senator's statement. While there may be some difference in interpretation, basically I think I understand what the Senator intends to convey. Now may I ask another question? What will be the net difference in the time element, taking the extreme of the Taft substitute and the extreme of the Douglas amendment as to the full length each of them would extend the time?

Mr. DOUGLAS. We provide for a 90-day cooling-off period—30 days during which the Board can make its investigation and report, and 60 days after that.

Mr. TYDINGS. That would make a total of how much time?

Mr. DOUGLAS. A total of 90 days; 30 days plus 60 days.

Mr. TYDINGS. Or a total of 90 days over all?

Mr. DOUGLAS. Yes.

Mr. TYDINGS. That is from the time the President issues his proclamation until the plant is turned back to whoever owns it?

Mr. DOUGLAS. Yes.

Mr. TYDINGS. What is the distinction between that and the Taft substitute?

Mr. DOUGLAS. As I understand, the Taft substitute provides for a total of 60 days; 30 days during which the Board investigates, and 30 days thereafter.

Mr. TYDINGS. Does the Taft proposal allow the injunction before the 60-day period, or at the end of the 60-day period if no progress has been made?

Mr. DOUGLAS. As I understand the Taft proposal, the injunction can be obtained at any time.

Mr. TYDINGS. Under the Taft proposal the injunction can be obtained at any time. I thank the Senator.

Mr. DOUGLAS. In fact I think it is true that the Taft proposal does not carry with it any injunctive powers after the 60 days have expired.

The VICE PRESIDENT. The Chair wishes to state the parliamentary situation for the information of the Senate.

The proposal of the Senator from Ohio [Mr. TAFT] is a substitute for title III of the Thomas bill. The Taft substitute amendment is an amendment in the first degree.

The Senator from Illinois [Mr. DOUGLAS] and his associates offer an amendment to that substitute, which is an amendment in the second degree. Therefore, no further amendment to the Taft substitute can be offered until the Douglas amendment is disposed of.

Mr. TAFT obtained the floor.

Mr. DONNELL. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. TAFT. Yes.

Mr. DONNELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Ohio, of course, loses the floor if he yields for that purpose. But he may regain it.

Mr. TAFT. I am not much interested in the floor, Mr. President.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Anderson	Hill	Martin
Bricker	Hoey	Maybank
Butler	Holland	Mundt
Byrd	Humphrey	Neely
Cain	Hunt	O'Mahoney
Capehart	Ives	Reed
Chapman	Jenner	Robertson
Connally	Johnson, Tex.	Russell
Cordon	Johnston, S. C.	Saltonstall
Donnell	Kefauver	Schoeppel
Douglas	Kem	Smith, Maine
Ellender	Kerr	Sparkman
Ferguson	Kilgore	Taft
Flanders	Knowland	Taylor
Frear	Lodge	Thomas, Utah
Fulbright	Long	Thye
George	Lucas	Tydings
Gillette	McCarthy	Vandenberg
Graham	McClellan	Watkins
Green	McFarland	Wiley
Gurney	McGrath	Williams
Hayden	McKellar	Withers
Hendrickson	McMahon	Young
Hickenlooper	Malone	

Mr. LODGE. Mr. President, I am requested to announce that the Senator from Mississippi [Mr. EASTLAND] did not answer the quorum call because he is conducting hearings before a subcommittee of the Committee on the Judiciary.

The VICE PRESIDENT. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS], for himself and the Senator from Vermont [Mr. AIKEN], to the amendment offered by the Senator from Ohio [Mr. TAFT] to the so-called Thomas substitute.

Mr. LODGE. Mr. President, I should like to ask the Senator from Illinois [Mr. DOUGLAS] one or two questions about his amendment.

Is it not correct that under the terms of his amendment the President would be authorized to seek an injunction if after the seizure of the plant the strike did not stop?

Mr. DOUGLAS. The Senator from Massachusetts, with his customary keenness of thought, has struck at one of the central problems which is involved in this issue. Let me say, first, that the amendment which the Senator from Vermont [Mr. AIKEN] and I are offering does not empower the Government to obtain an injunction to send men back to work for a private employer. In explicit terms it merely provides, under certain conditions, and with due safeguards, for seizure of the vitally necessary units which are being tied up or are threatened with being tied up.

Mr. LODGE. But after the seizure has taken place, if the union does not accede to the Presidential desire and cease the strike, then, without in any way helping the private employer, the President would be authorized to seek an injunction on that basis, would he not?

Mr. DOUGLAS. Let me say in answer to the question, first, that it is our belief that if the Government seizes a plant, in virtually all cases unions will be willing to go back to work, since they will be going back to work for the Government rather than for a private employer. But should they refuse to do so, the precedent established by the decision of the United States Supreme Court in *United States v. United Mine Workers* (330 U. S. Repts. at p. 289) seems to answer the question of the Senator from Massachusetts:

> Under the conditions found by the President to exist it would be difficult to conceive of a more vital and urgent function of the Government than the seizure and operation of the bituminous-coal mines. We hold that in a case such as this, where the Government has seized actual possession of the mines or other facilities and is operating them, and the relationship between the Government and the workers is that of employer and employee, the Norris-LaGuardia Act does not apply.

So it follows that the limitations upon the injunctive power which were set forth in the Norris-LaGuardia Act do not apply in cases in which the Government has seized and is keeping certain property. In such cases the Government could continue to hold the property if the injunction were continued; but I repeat that that is very different from the Government's getting an injunction to send men back to work for a private employer.

Mr. LODGE. I thank the Senator.

Mr. President, I have one or two more points to make or inquiries to present.

Is it not the view of the Senator from Illinois that the powers of the President in seizing a plant are more narrowly delimited under the language of his amendment than under the Taft amendment?

Mr. DOUGLAS. I am very glad the Senator has raised that point. I do not wish to have too much pride of authorship, but it is my judgment that we have more carefully safeguarded the rules concerning seizure than is provided by the Taft amendment. For example, I should like to point out that we provide for just compensation, and we limit seizure to a period not to exceed 90 days, except by joint resolution of Congress.

Mr. LODGE. It is by concurrent resolution, is it not?

Mr. DOUGLAS. And we provide that there shall be no change in working conditions or wages during the period of seizure.

We have taken every opportunity to protect the owners of property and to preserve the status quo which prevailed when the strike originally began, without having the Government impose terms either upon itself or upon the private employer, when the private employer gets the property back again.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. TAFT. I am afraid I do not agree with the Senator from Illinois in that respect. In fact, I do not see any respect in which his amendment is more restrictive than the corresponding provision contained in our amendment.

Mr. LODGE. Mr. President, I should like to ask the Senator from Illinois whether his amendment provides that in the case of a seized plant, possession by the United States shall be terminated not less than 60 days after the issuance of the report of the Emergency Board, unless the period of possession is extended by concurrent resolution of the Congress. It should be said that the provision in such case is for a concurrent resolution, not a joint resolution; is not that correct?

Mr. DOUGLAS. Mr. President, as a fledgling Senator, I have not always been able to distinguish between joint resolutions and concurrent resolutions. I am perfectly willing to accept the word of the Senator from Massachusetts as to that; and if he is correct, I am perfectly willing to strike out the word "joint" and insert "concurrent."

Mr. LODGE. The bill uses the words "concurrent resolution."

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. TAFT. I should like to point out that the amendment we offered provides flatly for the return of the property at the end of 60 days—with no "if's" or "but's" and no provision as to concurrent resolutions. The seizure feature of our bill is strictly limited to maintaining the status quo for 60 days. After that, the property must be turned back to the owner. So I think the owner has a better chance for liberal treatment under our amendment than under the amendment of the Senator from Illinois.

Mr. LODGE. Mr. President, I yield the floor.

Mr. TAFT obtained the floor.

The VICE PRESIDENT. In connection with the announcement made a while ago regarding the parliamentary situation, the Chair wishes to state that the so-called Thomas substitute, which is a substitute for the whole bill, was, by unanimous consent, to be regarded as the text of the bill. Therefore, an amendment to it is not an amendment in the second degree, but is an amendment in the first degree. Any amendments to the original text would be in order as perfecting amendments, and would be voted upon prior to a vote on the Taft substitute or, in the case of title III, prior to a vote on the Douglas amendment to the substitute.

Mr. IVES. Mr. President, does the Senator yield?

Mr. TAFT. For what purpose does the Senator from New York ask me to yield?

Mr. IVES. In order that I may submit an amendment.

The VICE PRESIDENT. Unless it is an amendment to the original text of the bill, it would not be in order.

Mr. IVES. It is an amendment to the original text of the bill.

Mr. TAFT. Mr. President, I ask unanimous consent that I may yield for that purpose, without losing the floor.

Mr. LUCAS. Mr. President, reserving the right to object, I should like to propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. LUCAS. Do I correctly understand that the offering of the amendment at the present time will in no wise result in having it take precedence over the amendment offered by the junior Senator from Illinois?

The VICE PRESIDENT. Any amendment offered to the part of the original

text of the bill which is sought to be stricken by a substitute is a perfecting amendment, and therefore would be in order.

Mr. LUCAS. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. LUCAS. As I understand the present situation, the amendment offered by the junior Senator from Illinois is the pending question.

The VICE PRESIDENT. It is the pending question. It is an amendment to the substitute offered by the Senator from Ohio.

Mr. LUCAS. And no other amendment——

The VICE PRESIDENT. The Thomas substitute for the bill as reported by the committee, by unanimous consent is to be regarded as the original text of the bill. A perfecting amendment to the original text would be in order, and would take precedence in voting over the Taft substitute or the amendment thereto of the Senator from Illinois.

Mr. LUCAS. Mr. President, as I understand the situation, the junior Senator from Illinois has offered a perfecting amendment to the substitute offered by the Senator from Ohio.

The VICE PRESIDENT. That is correct.

Mr. LUCAS. It is my further understanding that the Senator from New York also desires to offer a perfecting amendment.

The VICE PRESIDENT. The Senator from New York has indicated that he wishes to offer a perfecting amendment to the original text of the bill, not to the Taft substitute.

Mr. IVES. That is correct.

Mr. LUCAS. Mr. President, I shall object to the request for unanimous consent.

The VICE PRESIDENT. Unanimous consent is not required for the offering of the amendment, but unanimous consent is required in order that the Senator from Ohio may yield for that purpose without losing the floor.

However, regardless of whether the Senator from Ohio yields for that purpose, an amendment to the original text is in order as a perfecting amendment to the part of the text of the bill which is involved in the substitute of the Senator from Ohio.

Mr. LUCAS. If that is the situation, I have no objection to the unanimous-consent request.

It is my understanding that that will not take from the Senate at the present time the pending question, which is on agreeing to the amendment of the Senator from Illinois.

The VICE PRESIDENT. At the moment, the pending question is on agreeing to the amendment of the Senator from Illinois to the Taft substitute. But if an amendment is offered to the original text of the Thomas bill, which is involved in the motion to strike out, that would be a perfecting amendment, and would take precedence in voting over the amendment of the Senator from Illinois [Mr. DOUGLAS] and over the substitute offered by the Senator from Ohio [Mr. TAFT].

When that amendment to the original text is disposed of one way or another, the Senate will automatically revert to the Douglas amendment to the Taft substitute.

But a perfecting amendment to a portion of the bill which is to be stricken by a substitute is in order, and takes precedence over the substitute.

Mr. LUCAS. Of course I heard the Chair's statement of the situation; but I was under the impression that after the vote on the Taft substitute, the next thing in order would be an amendment perfecting the Thomas substitute.

The VICE PRESIDENT. A perfecting amendment to a text which is sought to be stricken by a substitute is in order, and is voted upon as a perfecting amendment, before the substitute is voted upon. That is necessary because, after the substitute is voted on, if it should be carried, no perfecting amendment could be offered to the text of the bill.

Mr. LUCAS. Under the decision of the distinguished Vice President, I do not object to the unanimous-consent request. The objection would be useless, because sooner or later the Senator from New York would get the floor.

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New York?

Mr. TAFT. I renew my request for unanimous consent to yield for the purpose stated, without losing the floor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from New York may proceed.

Mr. IVES. I offer an amendment to the original text. I ask that the clerk read it, and that it be made the pending question.

The VICE PRESIDENT. The Secretary will state the amendment.

The amendment offered by Mr. IVES was read as follows:

Strike out of title III of the amendment of Mr. THOMAS of Utah, dated May 31, 1949, line 14, on page 32, through line 12, on page 34, and insert in lieu thereof the following:

"SEC. 302. (a) After issuing such a proclamation, the President shall promptly appoint a board to be known as an 'emergency board.'

"(b) Any emergency board appointed under this section shall promptly investigate the dispute, shall seek to induce the parties to reach a settlement of the dispute, and in any event shall, within a period of time to be determined by the President but not more than 30 days after the appointment of the board, make a report to the President, unless the time is extended by agreement of the parties, with the approval of the board. Such report shall include the findings and recommendations of the board and shall be transmitted to the parties and be made public. The Director of the Federal Mediation and Conciliation Service shall provide for the board such stenographic, clerical, and other assistance and such facilities and services as may be necessary for the discharge of its functions.

"(c) An emergency board shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

"(d) Members of an emergency board shall receive compensation at the rate of $50 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

"(e) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U. S. C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

"(f) Each emergency board shall continue in existence after making its report for such time as the national emergency continues for the purpose of mediating the dispute, should the parties request its services. When a board appointed under this section has been dissolved, its records shall be transferred to the Director of the Federal Mediation and Conciliation Service.

"(g) A separate emergency board shall be appointed for each dispute. No member of an emergency board shall be pecuniarily or otherwise interested in any organizations of employees or in any employer involved in the dispute.

"SEC. 303. (a) At any time after issuing a proclamation pursuant to section 301 the President may submit to the Congress for consideration and appropriate action a full statement of the case together with such recommendations as he may see fit to make.

"(b) In any case in which a strike or lockout occurs or continues after the issuance of the proclamation pursuant to section 301 the President shall submit immediately to the Congress for consideration and appropriate action a full statement of the case, including the report of the emergency board if such report has been made, and such recommendations as he may see fit to make. If the Congress of either House thereof shall have adjourned sine die or for a period longer than 3 days, the President shall convene the Congress, or such House, for the purpose of consideration of and appropriate action pursuant to such statement and recommendations.

"SEC. 304. When a dispute arising under this title has been finally settled, the President shall submit to the Congress a full and comprehensive report of all the proceedings, together with such recommendations as he may see fit to make.

"SEC. 305. The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time."

The VICE PRESIDENT. The Chair states for the information of the Senate that the amendment offered by the Senator from New York, being to the original text, is an amendment in the first degree, so far as the original text is concerned, and is likewise subject to amendment in the second degree, if any Senator wishes to offer an amendment. The amendment of the Senator from New York holds in suspense until it is disposed of the substitute offered by the Senator from Ohio [Mr. TAFT] and the amendment to it offered by the Senator from Illinois [Mr. DOUGLAS].

Mr. TAFT. Mr. President, I suppose in time the entanglements in which we have become involved will be straightened out by votes of the Senate, but we have reached the determination of one of the major questions connected with the Taft-Hartley Act. It is a part of the act which is largely unrelated to the rest of the act. It is a separate title in the Thomas bill, title III. It deals with the so-called national-emergency strike. I

do not think the definition in any of the amendments as to when the procedures come into effect, of such strikes, is very different from that of the Taft-Hartley law. They come into effect only when the national safety and health are threatened. That means that for ordinary labor relations the particular procedure is rarely used. I estimate that probably not one strike out of a thousand is going to be affected by the procedure covered in title III of the Thomas bill and the substitutes therefor. It in no way really is involved with the general question of labor relations.

The problem arose because of the very serious strikes which have gradually developed in this country and which do threaten the national safety and health. That does not mean an ordinary strike. It does not mean a national strike causing only inconvenience to the public. This extraordinary procedure which is proposed is only to be used when there is a real danger to the national safety and health. It was brought to our attention by the repeated strikes of the coal miners which, if long continued, would deprive the country of one of the absolute essentials of life. It was brought to our attention by the threatened and actual strikes on various railroad systems which, if continued, would mean serious damage not only to our economy but to the safety and health of the people of the United States. Such strikes have actually occurred, and they have occurred rather frequently since the end of the war when the general agreements not to strike ceased to be operative.

In particular, we remember in 1946 when President Truman came to the Congress with a demand that he be given power to deal with two strikes which were threatening at the same time—the railroad strike and the coal strike. He demanded that he be given power to seize the mines, to seize the railroads, to draft the workers into the Army, to draft even the labor-union leaders into the Army, and to operate the mines and railroads by such means as he might choose to adopt. That remedy seemed to me far too drastic. It seemed to me to be a direct violation of the Constitution. It seemed to me to be an end to the liberty of men, if they could be drafted into the Army on such terms, by the words of the President, as he might see fit to impose, without any salary, or, if he saw fit, with the salary of a private in the Army. He could put them into concentration camps, he could use them to run the railroads, or he could use them for any other purpose, under the terms of his proposal. Congress did not adopt it, but possibly the threat of that or other actions brought about a settlement of both strikes.

In the Taft-Hartley law, therefore, we attempted to deal with that question. It is admittedly a very difficult question. No one has a panacea for it. Apparently, practically every Member of the Senate has a different remedy of his own, but I think everyone will admit that there is no ultimate solution to be had by permanent legislation to deal with a strike which threatens the safety and health of the people.

We considered a proposal for compulsory arbitration of such a strike, and it is conceivable that in the end we may come to such a solution. But that means making a man work against his will; it means that the Government, in the last analysis, must fix wages, hours, and working conditions on which the employer and employees are unable to agree. It seems to me that means the end of a free economy, because the fundamental right to strike for better wages, hours, and working conditions is an essential of a free economy. If the Government undertakes to fix wages, hours, and working conditions it will have to fix prices and all the details of business operations, until there is a completely controlled economy. So I say there should be no substantial interference with the right to strike.

Our committee felt that we should not impose compulsory arbitration. So what we attempted to do in the Taft-Hartley bill was this: We provided that when the contract expires and a strike is threatened, the President shall have certain powers. So far as that legislation is concerned, it was not intended to be a final solution of the problem, but 2 years ago the President was given power to issue a proclamation requesting the parties to continue to operate for 80 days, and that he be given power, if the parties refused to continue working, to seek an injunction in the courts to maintain the status quo. The Taft-Hartley Act provides that the President may seek an injunction either against the labor unions or against the employers. The purpose is merely to maintain the status quo. The act provided that after 60 days, if the strike were not settled, an arrangement should be made for an election to be held. That would take 15 days, and 5 days for settlement, which made up the total of 80 days.

That particular provision has been used by the President some five or six times in the 2 years since the passage of the Taft-Hartley law. I do not think that in any case it affected anyone's liberty. It has been reasonably successful in some cases; in other cases it has not been successful.

We have rather a factual analysis of the situation by Mr. Ching, of the Federal Mediation and Conciliation Service, who, of course, mediated these disputes up to the point when the contract period came to an end. He reviews those cases and finds that in some the provisions of the Taft-Hartley Act were helpful and in others they were not. In general, however, I think it is perfectly clear from his statement that in some cases the injunction has been very useful.

In the atomic energy dispute an injunction was issued against the employer as well as the employees. The employer was attempting to reduce the wages of the employees in one plant in order to adjust them to wages in other plants, and the injunction was issued against the employer as well as against the employees. In other cases the employees were seeking increased wages, and the status quo was maintained by injunction.

In dealing with the atomic energy dispute Mr. Ching says:

> Thus, although the utilization of the national emergency provisions of the act, in the opinion of the Service, appear to have averted a stoppage early in March 1948, in a facility whose continued operation was undoubtedly essential to the Nation's welfare, it cannot be said that the period of the injunction contributed materially to the final settlement, if at all.

Mr. Ching, however, was able to continue his efforts at mediation, and from the fact that the controversy was settled almost immediately, it had a good effect.

He refers to the case of the telephone dispute and says:

> It is worthy of note that in this case, the mere appointment of the Board of Inquiry had the effect of reestablishing the bargaining relationship that had been ended by the failure of one party to give unqualified assurances that during a period of continued negotiations and until a new contract could be agreed upon, the status quo of wages, and terms and conditions of employment would be maintained.

The President appointed a board and threatened to bring an injunction if the strike were undertaken, and the mere threat was sufficient to eliminate that particular dispute.

In the maritime labor disputes there were some successes and some failures. Mr. Ching says:

> The issuance of these injunctions averted for the statutory period the work stoppages which, in the judgment of the Service, would have occurred on all coasts on June 15, 1948.
>
> After the issuance of the injunctions the Service continued its mediation efforts. On the Atlantic and Gulf coasts the bargaining efforts of the parties were profitably exerted and general settlements were achieved before September 1, 1948, the date of expiration of the injunction order.

On the Pacific coast they were not achieved. In one case Mr. Ching expressed the opinion that the cooling-off period in the Pacific coast maritime dispute was rather a heating-up period. That is because of the Bridges union. A report by our committee shows the very bad feeling which existed at all times; but I do not think it can be reasonably claimed that the injunction in any way increased the feeling existing in the longshoremen's union, between the employees and the employers. So I should say that clearly, in two or three cases, the use of the injunction has succeeded in averting a national strike. In two or three other cases there is a question whether it succeeded or not. Perhaps in one case it may have increased the intensity of the dispute.

Some persons have asked me, "What must be done finally when the injunction procedure does not work?" Of course, that is a question directed to all emergency provisions. If we do not have final compulsory arbitration, there may come a time when all other measures are exhausted and the strike goes on. If we ever reach a point in this country—and we never have—when there is continued without settlement, a strike which affects the national health and safety, which brings illness and starvation to the people, then I think Congress must be called into session to enact emergency legislation for that particular purpose. No

doubt such a bill would provide all-inclusive powers, such as those granted to the Government of England in the general strike in 1925. They included the power to seize. The Government requisitioned and operated trucks containing food supplies, all over Great Britain, to replace the railroads which were struck. I think we might have to have an emergency bill of that kind. But when we get to that point, we shall deal with a question of revolution rather than with a question of labor-management relations. Someone may prepare such a bill and have it ready, but I do not think it should be on the statute books. I do not think it should be a part of labor-management relations.

When we came to consider what should be done this year, the Republican members of the committee met and discussed the subject. We were not able to agree among ourselves any more than were the Democrats able to agree among themselves. But the amendment which I present on behalf of myself, the Senator from Missouri [Mr. DONNELL] and the Senator from New Jersey [Mr. SMITH] would make certain changes in the Taft-Hartley law, largely in accordance with the recommendations of Mr. Ching, who has had more direct contact with emergency strikes than has any other one individual.

In the first place, the President is authorized to issue a proclamation before he appoints a fact-finding board. Mr. Ching pointed out that if he had to have the board report to him, he would have to appoint the board several weeks before the date of the expiration of the contract. The moment he appoints the board all the heat is taken off the negotiations, and the mediator is unable to complete his mediation at the last moment, when the contract expires, which is the time usually at which serious strikes are actually successfully mediated. So we provide that the President may go ahead, on the recommendation of the Mediation Service, and issue his proclamation requesting the parties to continue to work, to maintain the status quo, before he appoints the board, and then he appoints the board, which makes a finding of fact.

On the general recommendation of perhaps a majority of the witnesses, we also permit the board to make a recommendation and to itself undertake a settlement of the strike, rather than being confined to a fact-finding report, which was the case under the Taft-Hartley law.

In the third place, we eliminated the final vote of the men, and therefore cut down the 80 days to 60 days, the extra 20 days being merely for the purpose of conducting the vote. The vote was not a success. It is a very difficult thing to arrange on a Nation-wide basis. The unions did not like it. In one or two cases, I think, the men voted to strike any way. In one case they would not vote at all. In general, Mr. Ching's recommendation was that that was an impracticable procedure, and should be eliminated.

Finally, we have emphasized the ultimate remedy of referring the whole matter to Congress for congressional determination, in case a point is reached when the entire negotiations break down, and all these temporary measures, the injunctions, and so forth, designed to prolong the negotiations, come to an end.

Mr. President, I believe it to be exceedingly important that there be a period, in national-emergency strikes, after the contract comes to an end, during which time the President and others may make an effort to settle the strikes. In some way we must go beyond the end of the contract, because until we finally get to the end of the contract, the parties will be negotiating, it is their affair, and the Government is not interfering, except perhaps to help them if they ask for mediation. Merely because the parties cannot agree, we cannot face the possibility of having a complete breakdown of national services. So all the amendments propose some period during which the parties are requested to maintain the status quo.

Of course, to a certain extent an injunction is an infringement of the general idea of the right to strike. Even the Thomas bill says that the parties shall continue to work. I do not know whether that implies a legal obligation on which an injunction might be based or not. If there is an injunction, certainly there is an infringement of the right to strike, and I do not like an infringement, any more than the distinguished Senator from Oregon likes it. But when we reflect on the conditions on which the bargaining representatives of labor and management both agreed just a year ago, for a 12-month period, in most cases, it certainly does not seem unreasonable to say that in order to avoid a national disaster the workers must continue to work for 60 days, under the very conditions on which they agreed a year ago. There may be a modicum of injustice to one side or the other in that. In every case, in my opinion, any hardship will be taken care of by a retroactive settlement, because settlements are practically always retroactive, if that is the only question that remains between the parties.

I do not believe it can fairly be said that an injunction or any other method of getting the employer and employees to continue to work for 60 days is any serious infringement of liberty. It has been urged, I think by the Senator from Oregon, that this is a limitation on individual liberty. It is not really a limitation on individual liberty. The injunction is against the right to strike, and the right to strike is a concerted effort, directed almost inevitably by the officers of a union, which does not interfere with the right of a man to leave his employment. The injunction is against an organized effort to quit an employment in order to force different terms. Under the provisions of the Taft-Hartley Act any individual can quit his work whenever he desires to do so. But under the Taft-Hartley Act, and under the Wagner Act, the men who quit work in a strike do not cease to be employees. They are expressly retained as employees; they are still employees under the definition and for the purposes of the law, or many of the purposes of the law. What those men are saying is, "We want to quit in a body, but we want to retain all the rights of employees in your company." So a strike of employees who remain employees certainly is a very different thing from the right of an individual to quit his work because he does not like the terms and conditions of the particular work.

I cannot, therefore, see that there is any serious interference with individual liberty and the interference with the general right to strike is mild compared to a disaster involving the death, illness, or starvation of millions of people which might result if work were not properly continued.

So far as the difference between the amendments is concerned, in effect we continue in our bill the Taft-Hartley provision for injunction, with the modifications I have indicated. We have provided that the President may also ask for the seizure of a plant. He can ask for either or both. He must go to court to do it. He cannot simply seize the plant. He must go to a court and obtain an order finding that the national safety and health are involved, and he must get an order authorizing him to take possession and an order enjoining the union from calling a strike, and enjoining the employer from closing down.

The pending bill itself provides merely that the President shall appoint a board, to be known as an emergency board, and call on the parties to maintain the status quo for 25 days. It then says, "the parties to the dispute shall continue or resume work and operations under the terms and conditions of employment which were in effect immediately prior to the beginning of the dispute." Then the board makes a finding, and that is all there is to it. There is no method of enforcement, so far as I can see, unless it is possible to base an injunction on the word "shall," and no legal provision under which the President may act.

It is said that the parties will respond, but our experience with certain labor leaders certainly indicates they do not necessarily respond. Various strikes have taken effect or have been continued after the strikers have been asked to cease striking.

The amendment offered by the distinguished Senator from Illinois [Mr. DOUGLAS] to my amendment in effect eliminates the injunction and relies entirely upon seizure. The President may seize, but he may not enjoin. There have been cases where the President seized and the men would not work for the Government. There have been cases in which the President seized the railroads and the men went on strike anyway, even after the President had seized the roads. There was the strike in the coal mines after the President had seized the coal mines. So, I do not see that seizure is in any way necessarily a step which by itself can solve the emergency problem.

Mr. President, there is one other reason why, it seems to me, we had better provide for injunction procedure if we want to get results, for an injunction does get results. We have had one union leader who has defied an injunction, and it has cost his union a great deal of

money, and I doubt very much if that example is going to be repeated by other union leaders or by himself.

But there is another reason why we had better provide for injunction in this provision, and that is the President's claim that he has the right of injunction anyway. Even though Congress should make no provision for injunction, the President claims that he has the right to go into court and secure an injunction. If there is any doubt about that at all, we had better define what the right is, and we had better define it in the bill, because even those who claim he has such a right seem to admit that the Congress may delimit the right and may provide the basis on which it can be exercised.

I might read the opinion of the Attorney General——

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DOUGLAS. I understand the Senator from Ohio takes the position that the President, in the absence of explicit legislation, has already the power to obtain injunction.

Mr. TAFT. No. I think he does not have that power, but I say there is at least a doubt about it, and he is claiming that power; so I think it is desirable that we make the situation clear. If we do not want him to have the power, then we had better say so, or if we want him to have the power, we had better define its limitations.

Mr. DOUGLAS. I wonder if the Senator from Ohio would explain to the Senate the precise occasion upon which the President of the United States asserted that he had the power by injunction to send men back to work.

Mr. TAFT. I read to the Senate the opinion of the distinguished Attorney General of the United States, in a letter sent to the chairman of our committee. He said:

With regard to the question of the power of the Government under title III, I might point out that the inherent power of the President to deal with emergencies that affect the health, safety, and welfare of the entire Nation is exceeding great. See opinion of Attorney General Murphy of October 4, 1939 (39 Op. Atty. Gen. 344, 347); *United States* v. *United Mine Workers of America*, (330 U. S. 258 (1947)).

Title III of the bill addresses itself affirmatively to solving the underlying labor dispute, and not merely to the sterile maintenance of the status quo through the medium of the courts. Since these sections of the bill primarily consist of a procedure for resolving the substantive matters in dispute, it may be expected that, in most instances, differences will be settled quickly, and that no recourse to the courts will be necessary. Should, however, the parties not obey the mandate of section 302 (c) of the bill, and should this result in a national crisis, it is my belief that, in appropriate circumstances, the United States would have access to the courts to protect the national health, safety, and welfare. I say this because it is my belief that access to its own courts is always available to the United States, in the absence of a specific statutory bar depriving the Government of the right to seek the aid of the Federal courts in such critical situations. Particularly is this true where, as in the proposed legislation, a statutory obligation is placed upon the parties requiring them to continue or resume operations during a specified period. This bill, as I read it, does not purport to circumscribe the rights of the United States in this respect.

In other words, he says that the wording of the Thomas bill is such as to give particular support to the idea that the President can on his own steam, under his own constitutional powers, secure an injunction in labor cases.

I may add that on the following day at a press conference President Truman disclosed his concurrence in the opinion of his Attorney General, adding that in time of emergency he thought the President had immense power to do what was right for the country.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DOUGLAS. I should like to ask the Senator from Ohio where in anything he has read there is the explicit statement that the President has the power to go into court and secure an injunction to compel men to work for private employers? The Attorney General says that the power of the President in such cases is extremely great, and that the President should have access to the courts, but we reserve access to the courts for the purpose of seizure, and it is precisely on that point that the Senator from Vermont [Mr. AIKEN] and I want explicitly to spell out the power of the Government.

Mr. TAFT. I desire to make it perfectly clear that I do not agree with the opinion of the Attorney General nor with the opinion of the President, but there is some support for it. I only say it is a doubtful question, and unless we want the possibility at least of a finding of an unlimited power of injunction for any purpose, it seems to me we had better clearly define what the power is.

I may add that one of the cases the President does not cite, which has given me more concern than any other case in the development of this rather extraordinary doctrine, is the case of In re Debs, decided by the Supreme Court in 1894. I think the Attorney General is really using the language of the court in the Debs case, from which case I read as follows:

Summing up our conclusions, we hold that the Government of the United States is one having jurisdiction over every foot of soil within its territory, and acting directly upon each citizen; that while it is a government of enumerated powers, it has within the limits of those powers all the attributes of sovereignty; that to it is committed power over interstate commerce and the transmission of the mail; that the powers thus conferred upon the national government are not dormant, but have been assumed and put into practical exercise by the legislation of Congress—

Although there was no legislation about injunctions—

that in the exercise of those powers it is competent for the Nation to remove all obstructions upon highways, natural or artificial, to the passage of interstate commerce or the carrying of the mail—

In interstate commerce it has got right back to the backwoods of production in every factory of the United States—

that while it may be competent for the Government (through the executive branch and in the use of the entire executive power of the Nation) to forcibly remove all such obstructions, it is equally within its competency to appeal to the civil courts for an inquiry and determination as to the existence and character of any alleged obstructions, and if such are found to exist, or threaten to occur, to invoke the powers of those courts to remove or restrain such obstructions; that the jurisdiction of courts to interfere in such matters by injunction is one recognized from ancient times and by indubitable authority.

I think we can distinguish the Debs case; and I would be very loath to admit the power of the President to take any action he chose. I think we must recognize that probably he would do it, and in a real emergency perhaps the Court would grant an injunction. I do not think he would have the right to do it, but nevertheless we face the question of the exercise of a power under conditions where there is no one to stop its exercise. If we are going to face that condition, in my judgment, we had better write into the law the express limitations of the President's powers to secure injunctions in labor disputes, and if Congress is going to give him the power to seize, Congress should write into the law the limitations on his powers to seize.

I cannot think that either the opinion in the Debs case or any other opinion would give him the power to seize, because the fifth amendment clearly provides that a man cannot be deprived of his property without due process of law. There must be an act of Congress under those circumstances; and I think there must be an act of Congress to justify an injunction.

I do not see how the administration can blow hot and cold. I do not see how the administration can say "Yes, we have the right of injunction, and we are going to use it when we want to, but we object to Congress telling us that we have such a right, or trying to define the powers or the limitations on that right."

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DOUGLAS. I should like to ask the Senator from Ohio if he can find any statement by the President of the United States or by the Attorney General that the Federal Government has the power to obtain an injunction in private disputes?

Mr. TAFT. The Debs case was one involving a private dispute.

Mr. DOUGLAS. The Debs case was decided 55 years ago. And in the one case that is cited, the case of United States against the United Mine Workers, which we both have at hand, the Court explicity said that the power to obtain an injunction was derived solely from the fact that the Government had seized the mines and was in possession of the mines; and the full purport of that decision is that if it is a private dispute between workers and private employers the Government does not have such power.

Mr. TAFT. I disagree entirely with the Senator. That is not what the Attorney General says at all. But I think the Attorney General is wrong. He makes it perfectly clear that he thinks

that under the terms of the Thomas bill, which deals with private disputes, and does not permit seizure, the Government has some vague right of injunctive power over labor disputes which interfere with the national safety and health. That is the clear implication of the Attorney General's letter, and that certainly is supported by the President's statement.

I agree with the Senator from Illinois that the United Mine Workers' case is not based upon any such vague power. The United Mine Workers' case rests on the property rights of the Government, which had taken possession of the mines and had been in possession for quite a long period of time. It had made a contract with the workers, and was bringing an action to enforce that contract and make the workers carry it out. In that case the Court simply held that the Norris-LaGuardia Act did not apply to action by the Government. At least I think the Court held that, although four judges dissented on that question and two dissented on another question, apparently the majority of them felt that the Norris-LaGuardia Act did not apply to the Government in those cases; but it is an uncertain result. Also the Debs case is a case based upon the Government's control over the post roads in interstate commerce, but the Government got an injunction without any statutory authority for an injunction of that kind.

An interesting feature of all the cases is that apparently it is generally agreed that the Executive can assert his power only in the absence of some specific statutory provision. Everyone seems to admit that Congress can properly delimit the President's power, and I think that should clearly be done. The Senator from New York [Mr. IVES] feels that the injunction to the President to bring the matter to Congress limits his power to get an injunction. The Senator from Oregon [Mr. MORSE] I think also feels that he has drawn his amendment in such a way that it will prevent the President from getting an injunction.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. HUMPHREY. I was wondering whether the Senator from Ohio agrees with me that the provisions of the Thomas bill relating to national emergencies are basically similar to the provisions of the National Railway Labor Act.

Mr. TAFT. Yes; I think they are substantially the same as the provisions of the National Railway Labor Act; but the National Railway Labor Act itself has not been universally successful.

Mr. HUMPHREY. Mr. President, will the Senator yield for a further question?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. TAFT. I yield.

Mr. HUMPHREY. I was wondering whether the Senator had ever observed that under the application of the National Railway Labor Act, which he says is similar to the provisions of the Thomas bill, the President of the United States has said that he had the right to an injunction, or has applied for an injunction?

Mr. TAFT. I beg the Senator's pardon. I was trying to find the reference to the National Railway Labor Act.

Mr. HUMPHREY. Let me repeat my question. Apparently it is agreed that there is at least a similarity between the provisions of the National Railway Labor Act and the emergency provisions of the Thomas bill. If that be true, does the Senator from Ohio recall any time when the President of the United States has seen fit to use the power of injunction, or to apply for an injunction under the provisions of the National Railway Labor Act?

Mr. TAFT. Of course, the National Railway Labor Act has not been successful——

Mr. HUMPHREY. That is not the question I asked the Senator.

Mr. TAFT. The President himself came to us and asked for additional powers, over and above those granted him under the National Railway Labor Act, in order that he might deal with the railroad strike.

Mr. HUMPHREY. The question I ask the Senator is this: Has the President interpreted his right under the National Railway Labor Act to ask for an injunction in order to enforce the orders of the Government?

Mr. TAFT. No; apparently he has not.

Mr. HUMPHREY. The act has been on the books for 23 years.

Mr. TAFT. I think one reason the Attorney General is inconsistent is that he must have advised the President in 1946 that he had to come to Congress, and had no other way to meet those strikes. Two years later he suddenly develops the theory that the President does have the power to seek an injunction to meet such strikes.

Mr. HUMPHREY. Since there is agreement on the similarity between the National Railway Labor Act and the Thomas bill provisions, does the Senator recall any violation of the provisions of the National Railway Labor Act with respect to the cooling-off period? Does the Senator recall any violation of the cooling-off period, when the request was that the employees remain on the job during the cooling-off period?

Mr. TAFT. Let me read what is stated in the minority views. The following is a quotation from the most recent report, the fourteenth annual report, submitted on November 1, 1948, of the National Mediation Board:

> Although threatened strikes have been almost a daily problem among railroad and airline employees, there have been relatively few instances where procedures of the law were ineffective in settling the disputes and avoiding work stoppages. This statement should not be interpreted to minimize the seriousness of the few instances where the law failed to prevent interruptions to service. Thus, in the Nation-wide dispute over wages and rules involving railroad engine service employees and yardmen, all of the steps prescribed by the law were exhausted without a settlement being made. After declining to accept recommendations for settlement made by a Presidential emergency board the organizations set a strike date for 6 a. m., May 11, 1948.

That was the case in which the President took over the railroads, and then came to Congress.

> In taking this action the President called upon every railroad worker to cooperate with the Government by remaining on duty and stated: "It is essential to the public health and to the public welfare generally that every possible step be taken by the Government to assure to the fullest possible extent continuous and uninterrupted transportation service. A strike on our railroads would be a Nation-wide tragedy, with world-wide repercussions." Notwithstanding the above action the threatened strike order was not canceled, whereupon the office of the Attorney General applied to the United States District Court for the District of Columbia for a restraining order. A temporary order was granted on May 10, and, as a result, the threatened strike was called off.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. HUMPHREY. I should like to ask the Senator from Ohio whether the cooling-off period was observed, or whether there was any violation by the workers or the employers of the duty to preserve the status quo during the cooling-off period, without any injunction or Government order.

Mr. TAFT. I do not know of any such, although in that case the procedure was very limited. It was agreed to by the railroad unions beforehand. In general the 30-day so-called cooling-off period was part of the whole procedure of negotiation, as it is not in the case of most industrial plants.

Mr. HUMPHREY. Is it not true that under the Thomas proposal the cooling-off period is a continuing part of the negotiations, a continuing part of the collective bargaining? The fact-finding board does make recommendations for settlement, and, therefore, the provision is very similar to the provision in the National Railway Labor Act, under which, since 1926, only one or two instances have occurred wherein there has been any real deviation from the purposes of the act, or any real failure on the part of the act to do the job it was designed to do. Is not that correct?

Mr. TAFT. I think so far as the 30-day waiting period is concerned, that is true. On the other hand, I do not think it is true of the coal industry. I do not think it is going to be true of any other industry. I think we have plenty of labor leaders in the country today who are quite prepared to defy the President the moment he issues such an order and immediately call a strike, as they have actually been doing during the past 4 years, in spite of the direct appeal of the President for a cooling-off period. In the railroad case he asked for what might be called an additional cooling-off period, and was immediately turned down, even by the railroad people.

Mr. HUMPHREY. Mr. President, will the Senator further yield?

Mr. TAFT. I yield.

Mr. HUMPHREY. Would the Senator be willing to acknowledge the fact that most of those extraordinary instances of arrogance and failure to abide by the wish of the President, or the call of

the President, has occurred since the enactment of the Taft-Hartley law?

Mr. TAFT. No; this was before the Taft-Hartley Act. Both the railroad strike and the coal strike of 1946 were before the Taft-Hartley Act. There were other strikes in 1946. There was a General Motors strike in 1946, and there were other strikes, with respect to which the President made an appeal which was at once rejected by the employees, and I think also by the employers. I do not say that the employees were necessarily to blame, any more than anyone else.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DOUGLAS. Is it not true that the railway strike of 1946 to which the Senator refers, while unfortunate, was perfectly legal under the National Railway Labor Act at that time?

Mr. TAFT. Yes; certainly it was.

Mr. DOUGLAS. And is it not also a fact that it would have been perfectly legal under the Taft-Hartley law?

Mr. TAFT. No; not if the Taft-Hartley law had been applied to it.

Mr. DOUGLAS. Because after the waiting period of 80 days expired, under the Taft-Hartley law, there was no restriction upon strikes.

Mr. TAFT. Yes. But however that may be, after the Taft-Hartley law had been applied to the strike, an injunction for 60 days could have been obtained, and presumably during the period of 60 days the strike could have been settled.

Mr. DOUGLAS. But there was no strike then.

Mr. TAFT. Yes; there was a strike for 3 days, until they were threatened with action giving the right of injunction and the right of drafting the men into the Army, and so forth.

Mr. DOUGLAS. But that was after the waiting period had expired.

Mr. TAFT. Yes; but in the National Railway Labor Act that is regarded as a part of the negotiation period, and always has been.

Mr. DOUGLAS. But so far as I know, there is no provision in the Taft-Hartley law, the National Railway Labor Act, or the proposed Taft law which, after a given waiting period was over would prevent strikes. When the waiting period is over, the parties are entirely free.

Mr. TAFT. The Senator is entirely correct, and I thought I made that point clear in my opening statement. There is a point where that remedy is exhausted; but when the attempts at settlement are over and when the contract has expired, it seems to me we have a right to ask for a waiting period. The only possible, safe way in which action then can be taken by the Government is by means of injunction.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. HUMPHREY. In view of the Senator's most recent statement, I should like to ask whether he is familiar with the remarks of Dr. Leiserson before our committee, as shown at page 3146, part 6, of the committee hearings?

Mr. TAFT. I am familiar with all of Dr. Leiserson's statement, and I disagree with 80 percent of it. In my opinion, he is nearly always on the side of labor, and almost always has been on the side of labor. I wholly dispute that Dr. Leiserson is an impartial authority on labor-management relations. He belongs to the school of those who think there should be no enforcement of any kind against labor, but that everything must be done by consent between labor and management, by having them agree. That is a nice theory, but is not in accord with conditions in the United States.

Mr. IVES. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. IVES. I simply wish to mention that I do not think it is true that Dr. Leiserson is always opposed to the side of management.

Mr. TAFT. No; but I think he naturally tends to be on the side of labor. His experience grew out of work in mediation. He thinks that no labor union should be subject at any time to any legal restraint or legal liability. His whole position is that everything must be done with sweetness and light, in order to accomplish harmony between both parties.

I agree that up to a point that is true; I am all for the Mediation Service up to a point. But it seems to me there must be a point at which both parties are subject to laws which represent the will of the people of the United States.

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. TAFT. I yield.

Mr. HUMPHREY. I wonder whether we have now had some agreement that a voluntary cooling-off period obtains the same resumption of work that an injunction obtains. Has not the Senator from Ohio said that he recognizes that the cooling-off period under the National Railway Labor Act worked, and that it obtained the same results that an injunction obtains?

Mr. TAFT. No; I have not said that.

Mr. HUMPHREY. The Senator from Ohio has not said that?

Mr. TAFT. No. I have said that for all practical purposes that is a part of the negotiating process under that act. But it is not made such under this proposed act by any means.

Mr. HUMPHREY. Does the Senator recall a time when the cooling-off period did not work?

Mr. TAFT. I said that the cooling-off period under the National Railway Labor Act was a part of a recognized negotiation process, and as a matter of fact, it has become so much a routine matter that it is no longer considered that there is any question of reaching a crisis until the decision finally is made by the Emergency Board. However, after such a decision has been made, the Board frequently has been defied, and in many cases strikes have resulted after the action of the Emergency Board has been taken. But the President is not brought into that situation. No national law is centered on the process at all until finally the Emergency Board's procedure breaks down. There are about a dozen emergency boards operating all the time. They are recognized as a part of the process of negotiation, in the railroad industry.

Mr. HUMPHREY. Mr. President, will the Senator yield for a further question?

Mr. TAFT. I yield.

Mr. HUMPHREY. Then, does the Senator from Ohio feel that the whole process of transportation in the United States, in the railroad field, has been seriously jeopardized, and that the procedures proposed to be established under the Thomas bill for the rest of American industry have been failures in the past, and that the American people have been constantly upset——

Mr. TAFT. Yes; that is what I feel.

Mr. HUMPHREY. That is what the Senator from Ohio feels?

Mr. TAFT. Exactly.

Mr. HUMPHREY. Mr. President, if the Senator from Ohio will yield further, I should like to ask another question of the Senator, since he feels that we finally end up——

Mr. TAFT. Mr. President, let me say that I think a 30-day or 60-day waiting period, based on a voluntary request to the President that the parties do not strike, is going to be an utter failure in industrial and other relations in the United States—in the coal field and in many other fields in the United States—if that is what the Senator from Minnesota wishes to know. That is my view. Of course, the Senator from Minnesota may differ as to that.

Mr. HUMPHREY. Despite the record of performance——

Mr. TAFT. Despite the record of performance of the National Railway Mediation Board in the railroad industry, which I think is in no way comparable.

Mr. HUMPHREY. Then, do I correctly interpret the remarks of the Senator from Ohio to mean that he thinks his prophetic vision is more accurate than the 23 years of experience under the National Railway Labor Act?

Mr. TAFT. The board itself has admitted that that procedure is gradually breaking down, that there are more and more defiances of the board's decisions, and more and more strikes. The report of the board admits that.

What happens is that so many of these emergency boards are appointed that there is no public interest in them, no public light on their actions, and no prestige attaching to the reports or decisions, when the boards make them. So that entire process is breaking down.

Mr. DONNELL. Mr. President, will the Senator yield to me?

Mr. TAFT. I yield.

Mr. DONNELL. The Senator from Ohio has referred to an admission by the Board that the procedure is breaking down. I should like to ask the Senator if this is the report to which he has referred—and I refer now to a sentence contained in the 1948 report, reading as follows:

> To place this strike record in proper perspective, it should be pointed out that it is matched by 172 peaceful settlements effected through mediation or arbitration.

The Board then proceeds, does it not, to say:

But peaceful settlements do not, however, make up for the instances in which stoppages occurred. It is not a good record, and it does not bode well for the future effectiveness of the Railway Labor Act.

Is not that the statement of the National Railway Mediation Board itself?

Mr. TAFT. Yes; that is what I was looking for, but had not found.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. HUMPHREY. Is not the Senator saying, then, in effect, that any dispute which may finally evolve itself into a strike situation indicates the fact that it is a national emergency and that the processes of mediation and conciliation are breaking down?

Mr. TAFT. No; I did not say anything of the kind. I say that the machinery provided by the Mediation Board, which the Senator says is copied in the Thomas bill, is admitted by the Board itself to be breaking down, and the Board admits that we should have something better; and in this amendment I think we have something better.

Mr. HUMPHREY. Does the Senator from Ohio feel that the emergency procedures of the Taft-Hartley law which were followed on seven different occasions, and which failed on seven different occasions, are better than the procedures of the National Railway Labor Act?

Mr. TAFT. I just referred to the instances in which the National Railway Labor Act procedures were successful in settling disputes, and I referred to the reports of the Mediation Service in which they point to three or four cases in which strikes were settled. If there were one such instance, it would be a good thing, rather than to have nothing at all. They referred to only one strike in which they thought there was some heating up, and that was the Bridges longshoremen's union strike, which I think is an exception to all rules.

Mr. HUMPHREY. Would the Senator from Ohio permit the junior Senator from Minnesota to read another interpretation or statement regarding the success of the Taft-Hartley emergency procedures?

Mr. TAFT. The Senator can do that in his own time, or he can ask a question, but I do not think I can permit him to read things in my time, without running the risk of losing the floor. I should be glad to have a question from the Senator, if he can put a little of the quotation in it.

Mr. HUMPHREY. I thank the Senator. I appreciate the courtesy. I wonder whether the Senator recalls the testimony of Mr. William H. Davis, an eminent labor relations counsel, found in part 2, page 891, of the hearings before the Committee on Labor and Public Welfare. I now take the liberty or the privilege which has been extended me of making a slight quotation:

The history of the Taft-Hartley law, with which you are all familiar, illustrates precisely that there have been six cases under the Taft-Hartley law in which the President has declared that the health and safety of the Nation was imperiled by an industrial conflict.

In two of them, the meat-packing case and the telephone case, the cooling-off period went on, that is, there was no strike, the parties continued in negotiations, and settled their controversy without an injunction. There was no injunction issued.

In the four other cases, the injunction issues. In no one of those cases did it settle the controversy or create—or lift the emergency.

He then goes on to point out that in every one of the cases the strike continued and was settled after the injunction.

I ask the Senator from Ohio, with Dr. Leiserson, who has now been somewhat discredited, at least in the references made to him, and who at least is not an acceptable authority, and Mr. William H. Davis, who testified before our committee, both pointing out the failure of the injunctive process to settle the disputes or even to provide effective relief, how can the Senator from Ohio say that that record, which he is now trying to place into the law again, is better than the 26 years' record under the provisions of the National Railway Labor Act?

Mr. TAFT. Answering the Senator, in the first place what I read was from Mr. Cyrus Ching, who actually had to handle the strikes, who was on the inside, who was not a theorist, like Mr. Davis, on this particular question. Mr. Ching's notion was that in three or four of the strikes the injunctive process, resulting in a cooling-off period, was extremely helpful.

I may say further regarding the authorities cited by the Senator and by other Senators, that Mr. William H. Davis, Mr. Leiserson, and Mr. Feinsinger, all belong to the same school. If I were an employer, I should be very loath to submit any case against labor to their arbitration, because those gentlemen have grown up in a school which believes that labor is always right. Those gentlemen were opposed to the Taft-Hartley Act in the beginning. They have opposed its operations from the beginning. They testified against it when it was before the Senate. They cannot be quoted as impartial experts on the question of the Taft-Hartley law.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. TAFT. I yield to the Senator from Illinois.

Mr. DOUGLAS. I take it, however, that the Senator from Ohio believes that Cyrus S. Ching is a good expert on the subject of labor relations.

Mr. TAFT. Yes; he is a very good one. He weighs the complaints and says what is good and what is bad.

Mr. DOUGLAS. I wonder whether the Senator is aware of the statement which Mr. Ching made on page 56 of his first annual report? I should like to read and inquire whether the Senator is familiar with this statement of Mr. Ching:

One of the conclusions which the Service is undoubtedly justified in drawing from its experience of the last year is that provision for an 80-day period of continued operations, under injunctive order of a court, tends to delay rather than facilitate settlement of a dispute.

Since the Senator has thrown the testimony of Mr. Leiserson, Mr. Davis, and Mr. Feinsinger out of court, what is the Senator going to do with this testimony of Mr. Ching, who the Senator says is one of the greatest experts in the country?

Mr. TAFT. Mr. Ching goes on to say:

Whether this experience—

The 80-day injunction—

dictates the desirability of a shorter injunction period or an injunction period of indefinite duration the Service expresses no opinion at this time.

Mr. DOUGLAS. I would say that was a clothesline statement.

Mr. TAFT. Mr. Ching, in various places, which I read——

Mr. DOUGLAS. I have just quoted——

Mr. TAFT. Wait a minute. Mr. President, would the Senator mind asking questions?

Mr. DOUGLAS. Excuse me. I beg the Senator's pardon.

Mr. TAFT. Would the Senator mind? I will look for the report. The Senator may go ahead with his question.

Mr. DOUGLAS. Excuse me. I read the first sentence of the paragraph. The Senator from Ohio read the last sentence of the paragraph. I wonder whether the Senator from Ohio would now be good enough to read the intervening sentences between the sentence which I read and the sentence which he read. If the Senator is unable to find the place, I shall be very glad to read the sentences.

Mr. TAFT. Yes; the Senator may read them. I have something else I want to read. I have not found the place to which the Senator is referring. The Senator may go ahead.

Mr. DOUGLAS. I do not do this with any glee on my own part, but only in the interest of accuracy on this point. I read:

Parties unable to resolve the issues facing them before a deadline date, when subject to an injunction order, tend to lose a sense of urgency and to relax their efforts to reach a settlement. They wait for the next deadline date (the date of discharge of the injunction) to spur them to renewed efforts. In most instances efforts of the Service to encourage the parties to bargain during the injunction period, with a view to early settlement, have fallen on deaf ears.

I may put a little emotion into the reading that is not included in the writing, but I hope I shall be pardoned for it. Then, I should like to continue with the sentence:

Further, the public appears to be lulled into a sense of false security by a relatively long period of industrial peace by injunction and does not give evidence of being aware of a threat to the common welfare which would produce a climate of public opinion favorable to settlement.

That is the passage between the sentence which I originally read and the sentence read by the Senator from Ohio.

Mr. TAFT. However, in specific cases, Mr. Ching has recognized the helpfulness of the injunction. Referring to the maritime cases, he says, for instance:

The issuance of these injunctions averted for the statutory period the work stoppages

which, in the judgment of the Service, would have occurred on all coasts on June 15, 1948.

I am reading on page 48:

After the issuance of the injunctions the Service continued its mediation efforts. On the Atlantic and Gulf coasts the bargaining efforts of the parties were profitably exerted and general settlements were achieved before September 1, 1948, the date of expiration of the injunction order.

I read two other cases in which Mr. Ching says that the injunction contributed to and brought about the settlements. So that in specific cases, his testimony is favorable. The only specific case wherein he doubts it is the case of the Bridges strike, the Longshoremen's case, where he says it may have contributed to the heating-up period. If one will read the story of the relations between that particular union and the employers on the Pacific coast, he will see that it is doubtful whether anything could have alleviated the heating-up period which had already occurred.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Missouri.

Mr. DONNELL. Did not Mr. Ching testify before the Committee on Labor and Public Welfare on this subject matter?

Mr. TAFT. Yes. I was looking for that, too.

Mr. DONNELL. I should like to inquire of the Senator whether he will refer to the bottom of page 62, part 1 of the testimony. This question was asked by the Senator from Ohio:

Senator TAFT. You say it is the experience of the Service—

The Senator was addressing himself to Mr. Ching—

that in some of the national emergency disputes occurring in the last year, reading from your report:

"The issuance of injunctive order did much to forestall a national crisis and to assist in achieving a peaceful settlement."

Does the Senator observe that, at the bottom of page 62 of the testimony?

Mr. TAFT. That is correct.

Mr. DONNELL. I ask the Senator whether this further question was asked by him, and this answer returned:

You still agree with that statement, don't you?

Mr. CHING. I agree that in the Coal case, the Longshoremen's case, the National Maritime case, the Oak Ridge case, as I remember those cases, the injunction stopped the strike at the time it was threatened. However, in some of the cases, after the injunction had expired, we still had the same problem.

To which the Senator from Ohio replied:

Oh, well, yes; that was contemplated in the law.

Mr. Ching said:

It was a temporary stoppage of the strikes. There is no question about that.

Am I not quoting correctly from the record?

Mr. TAFT. That is correct, and I am very thankful and grateful to the Senator. My general impression was that Mr. Ching endorsed the provisions of the law, and I am very glad to have the Senator point out the place in which he states very clearly that in these particular cases, the Coal case, and the Longshoremen's case, the National Maritime case, and the Oak Ridge case, the injunction stopped the strike at the time it was threatened.

Mr. DONNELL. Mr. President, will the Senator yield for a question?

Mr. TAFT. I yield.

Mr. DONNELL. Was the Senator quoting verbatim from the testimony of Mr. Cyrus Ching at page 63 of the hearings?

Mr. TAFT. That is correct.

Mr. DONNELL. Mr. President, will the Senator yield for a further question?

Mr. TAFT. I yield.

Mr. DONNELL. Does the Senator know that the Oak Ridge case involved an atomic energy plant in Oak Ridge, Tenn., which obviously could have involved national peril if any case possibly could? Am I not correct in that?

Mr. TAFT. The Senator is correct. In that case an injunction was obtained, and Mr. Ching continued his efforts while the strike went on. The time expired before settlement was reached, but apparently his efforts were sufficiently successful so that the parties sat down together, the day after the injunction expired, and settled the question.

Mr. DONNELL. At any rate, Mr. Ching stated that in the Oak Ridge case, "The injunction stopped the strike at the time it was threatened."

That is the testimony of Mr. Ching, is it not?

Mr. TAFT. That is correct.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I wonder whether it would not be well to read the rest of the statement of Mr. Ching on page 63 from which the distinguished Senator has just quoted, wherein he says:

However, in some of the cases, after the injunction had expired, we still had the same problem.

Mr. TAFT. The Senator from Missouri read those words as part of his original statement.

Mr. DONNELL. I certainly did.

Mr. HUMPHREY. I am glad to have that reaffirmation. I wonder whether, in view of the fact that we have gone into the individual cases and have selected quotations from a particular point of view, we should not have included in the RECORD page 54 of the First Annual Report of the Mediation and Conciliation Service for the fiscal year ending June 30, 1948, which is entitled "Chapter 7. Summary of Experience"; and page 55, entitled "National Emergency Disputes," where a final analysis of all of the cases is made and tabulated——

Mr. TAFT. May I use a little of my own time?

In the report Mr. Ching says that, for the first time in Federal legislation, Congress, in the Labor-Management Relations Act, attempted a rather detailed explanation of the duties and activities of a conciliation and mediation service relating to industrial disputes generally. He says that experience was not sufficiently comprehensive to warrant making legislative proposals with respect to many of the provisions at the time of the writing of the report, but that at such time as he may be called upon to do so, the Director will be prepared to make legislative recommendations.

The Director has made legislative recommendations, and we have followed them. He recommended that the President be allowed to go ahead and declare an emergency before appointing a board. We followed his recommendation.

He recommended that the vote on final offer in national emergency strikes be eliminated. We followed his recommendation. He did not recommend that the injunction be eliminated. The general tenor of his testimony is that the injunction procedure might be improved in some cases. In some cases it has not worked well, but in a large number of cases it has worked well. Certainly he is making no recommendation that it be eliminated, and he is apparently approving a proposition to amend it and improve it rather than to repeal it. So we may assume, I think, that he approves in general of the procedure which has been recommended, or why would he recommend the various other measures as to which we have followed his advice, and not recommend the removal of the injunction?

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. HUMPHREY. I should like to read from page 63, volume I, of the hearings of the Committee on Labor and Public Welfare, in which Mr. Ching makes this statement in reference to what the distinguished Senator has been referring to:

I am not taking a position on the use of the injunction or nonuse of the injunction, because I do not believe that the head of a mediation service should make recommendations in matters of controversy between labor unions and employers.

That means he was not underwriting the injunction. His report indicates the failure of the injunction——

Mr. TAFT. No; his report does not indicate any failure of the injunction. His report, in effect, says that the use of the injunction was very effective in a considerable number of cases.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Illinois.

Mr. DOUGLAS. I appreciate that the Senator from Ohio is being kept on his feet for a long period of time, and I do not wish to add to his difficulties.

Mr. TAFT. I have no difficulties. I am perfectly willing to yield to the Senator from Illinois.

Mr. DOUGLAS. If the Senator will continue on page 63 of the hearings from the passage which the Senator from Minnesota has read, he will find that the Senator from Ohio asked Mr. Ching immediately thereafter, when Mr. Ching had said he did not want to make recommendations, this question:

Well, if you had not already done so, I would say that was a proper position; but it seems to me you have already done so in your report and testimony before the Joint Management Relations Committee.

Mr. CHING. I think, if you will read that in the proper light, Senator, you will find it is not intended to be a recommendation to the Legislature.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DONNELL. The Senator will observe that the next sentence says:

> It is something based on our experience, assuming that the use of the injunction would continue.

Does not the Senator interpret that to mean that while he would not take sides in the matter, being in the Conciliation Service, he was pointing out the actual experience which his agency had observed?

Mr. TAFT. I think Mr. Ching recognized that the injunction was a question as to which he did not wish to become involved in recommendations. I think all we can do is to go back and read his whole report. I hope Members of the Senate will do so. I think they will find the general conclusion is that in specific cases about which he was testifying the injunction was effectively used, in a very considerable proportion of the cases in which it was used.

I do not think there is much use in talking back and forth on the subject. I shall be glad to furnish Senators with copies of the report. In fact, the report was furnished at an earlier period to all Senators.

Mr. HUMPHREY. Mr. President, will the Senator yield so that I may make a comment to the Senator from Missouri?

Mr. TAFT. I can yield only for a question.

Mr. HUMPHREY. I shall put it in the form of a question.

Mr. TAFT. I yield for a question.

Mr. HUMPHREY. I wonder if the distinguished Senator from Ohio and the equally distinguished Senator from Missouri are familiar with the final passage which the Senator from Missouri was reading, which I now quote:

> The injunction was in the Taft-Hartley law, and what we were thinking about there was that there was an opportunity where you did not have to use the injunction except in a case where they did not comply with the President's request, and further, that the use of the injunction for 80 days was not working as well as we thought some other scheme would work.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DONNELL. It is a little difficult to state this in the form of a question, but I will ask again whether the Senator from Minnesota has observed that, notwithstanding this comment and the view of Mr. Ching that some other plan might have worked better, in his opinion, he stated that the existence of the injunctive order did much to forestall a national crisis and did assist in achieving a peaceful settlement.

Mr. NEELY. Mr. President, will the distinguished Senator from Ohio yield?

Mr. TAFT. I yield to the Senator from West Virginia.

Mr. NEELY. Does not the Senator from Ohio think that in behalf of economy of time we should have the entire testimony of Mr. Ching read into the RECORD; so that the present debate may be completed before the end of the year?

Mr. TAFT. I think the Senator is correct.

Mr. NEELY. Mr. President, I deduce from what the able Senator has said that his substitute is very closely related to the Taft-Hartley law. Is that deduction correct?

Mr. TAFT. I think it is correct. I think title III is related to the Taft-Hartley Act. There was no such provision in the law before we started to write the law in 1947. We wrote one dealing with national emergency strikes. The distinguished Senator from Utah [Mr. THOMAS] has taken that law and removed all the injunction features and some other features and has adopted the rest of it.

Our amendment also is based on the Taft-Hartley law, retaining somewhat more of the features than is done by the distinguished Senator from Utah.

Mr. NEELY. The able Senator from Ohio is undoubtedly the supreme authority on the Taft-Hartley law, and he, of course, is thoroughly familiar with the amendment offered by the Senator from Illinois [Mr. DOUGLAS]. Therefore, will he not inform the Senate whether, in his opinion, the so-called Douglas seizure amendment is, either by blood, marriage, or otherwise, in any degree, related to the Taft-Hartley Act?

Mr. TAFT. I think it could be said to be a relation to the Taft-Hartley Act. The Taft-Hartley Act was the first law dealing with the subject. The distinguished Senator from Illinois has added a rather elaborate provision about seizure, and has taken out the injunction provision. It is pretty much the same.

Mr. DOUGLAS. Mr. President, will the Senator permit me to disavow the relationship?

Mr. TAFT. I merely stated it was a cousin. I did not state it was in the direct line.

Mr. NEELY. I thank the Senator from Ohio for his answer. It is in harmony with the conclusion I had reached and simply emphasizes my duty to keep my solemn pledge to the people of West Virginia, to vote not only against every letter, sentence, syllable, and elementary sound of the Taft-Hartley law, but also against all its kith and kin. [Laughter.]

Mr. TAFT. Mr. President, I have only one subject to mention before I conclude. The argument is that in some way the injunction is a reflection on labor, as compared with the employer. I cannot see any logic in that. An injunction is authorized against the employer just as much as against labor. It is a weapon used by the courts against individuals, as well as against corporations, for the specific performance of contracts, and for many other purposes. There is nothing peculiar about it that reflects on labor and I do not see how it can be said to be a reflection on labor. Any injunction issued is issued for the purpose of maintaining the status quo; that is, to keep the conditions just exactly as they are. It is issued against a labor organization, it is issued against the employer, as it was issued in the Oak Ridge case.

I think rather, Mr. President, the position of the labor union officials is part of the general position they assume, that they do not think that labor unions should be responsible, under the law, for any of their acts. They do not think they should be subject to the law. The distinguished Senator from Florida talked for hours on the difference between a corporation and a voluntary association of free men. What difference does that make? A corporation is a voluntary association of free men, but it comes under the leadership of one who is more powerful than any of the men. So voluntary associations of working men head up to one official who is more powerful than any of the others.

I can see no reason whatever why labor unions should not be subject to just exactly the same responsibilities and penalties, the same liabilities, the same obligations, as any individual or any corporation.

The Taft-Hartley law was a little more extreme than it should have been in some respects and we have tried to modify it by amendment. The labor people absolutely refuse to give any assistance whatever in correcting the injustices of the Wagner Act and the other acts, taking the position that labor should not be subject to law.

Mr. Green, of the American Federation of Labor, testified 2 years ago, and he testified again this year, that he did not think labor unions should be required to bargain collectively, and did not think they should be liable on their contracts, or liable to people to whom they caused injury. This was also the thesis adopted by the courts, until the United States Supreme Court itself finally, in an extortion case, held that extortion was not a crime in the case of a labor union because it was used to forward the general purposes of the union.

It was that attitude which brought about the change in the law, and in effect the position of labor toward the injunction is based on that theory. They do not want to be subject to any processes of court. They do not want to be subject to the rule of law. They do not want to be called before the courts, or held accountable in any respect. In that particular field I think they are acting against their own interests. I think they should be held responsible that they should have responsibility equivalent to their power.

Mr. DONNELL. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield to the Senator from Missouri.

Mr. DONNELL. I ask the Senator if I am correctly quoting Hon. Lewis D. Brandeis in his book Business, a Profession, at page 94, when he says:

> This practical immunity of the unions from legal liability is deemed by many labor leaders a great advantage. To me it appears to be just the reverse. It tends to make officers and members reckless and lawless, and thereby to alienate public sympathy and bring failure upon their efforts. It creates on the part of the employers, also, a bitter antagonism, not much on account of lawless acts as from a deep-rooted sense of injustice, arising from the feeling that while the employer is subject to law, the union holds a position of legal irresponsibility.

Mr. TAFT. I have read those words of Mr. Justice Brandeis, and they express

exactly my thought on what is to my mind the real issue between the Taft-Hartley law and the Wagner Act. Unions always seemed to feel they were largely free from liability, as indicated in this statement of Mr. Justice Brandeis, which must have been made some time in the early part of the 20th century, long before he was appointed to the Supreme Court. The Wagner Act and similar laws made them more so, made them completely free from responsibility to the individual worker, the public, or to the employer with whom they dealt.

Of course, the injunction was probably used more freely—as I think Justice Brandeis points out in one of his opinions—simply because the labor unions were not liable to any form of legal liability. If that had not been the case, probably the difficulties with the injunction would not have developed. The later injunctions are nothing like the injunctions which were issued following the Debs case. The particular injunction provided for in our amendment would be used only once in a thousand strikes, in a case where the national safety and health were involved, and only in cases where every effort had been made to reach a settlement, as the only alternative where it appeared there would be a complete stoppage of essential services to the people of the United States.

As I see it, the position of the unions, is that they should not be liable to the ordinary processes of the courts, that they should not be made to desist from practices which bring disaster to the Nation, simply as a part of the general picture. They feel they should not be liable in any court for any act which arbitrary leaders may choose to take.

Mr. DONNELL. Mr. President, will the Senator yield so that I might corroborate the Senator's recollection as to the time when Justice Louis D. Brandeis wrote the words I have quoted?

Mr. TAFT. I yield.

Mr. DONNELL. The quotation is from an address delivered at a meeting of the Economic Club of Boston on December 4, 1902, and published in the Green Bag of January 1903.

Mr. TAFT. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield to the Senator from Florida.

Mr. HOLLAND. Is it not true that the amendment offered by the Senator from Illinois does lay the predicate, under the established law of the United States, for the use of the injunction, in a case where a plant might have first been seized by the United States Government?

Mr. TAFT. Certainly under the United Mine Workers case there is a possibility that if the property is seized and then the employees refuse to work, there might be an injunction. I do not think the situation is clear under the Mine Workers case, because in that case there was an existing contract. I think the claim was that the workmen were violating the contract. Whether the same ruling would apply as in the United Mine Workers case if there were no contract, if the Government merely stepped in when the contract had expired and asked the men to work for the same wages, the same hours, and under the same working conditions, I am not certain. But it is at least possible that there might be such an injunction, and I think if there is a possibility of such a thing we ought to define what it should be and how it should be limited.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. HOLLAND. Do I correctly understand the Senator to state, then, that at least in appropriate cases of seizure, under the amendment of the Senator from Illinois, the injunction would, under the present laws of the United States and the present rulings of the Supreme Court, be available to keep important national industries in operation?

Mr. TAFT. I am not completely certain, because I am not sure that the Mine Workers case would apply when there was no existing contract. In the Mine Workers case, Senators will remember that Mr. Krug and Mr. Lewis had entered into a contract which Mr. Krug claimed extended at least to the first of July. The strike took place, I think, in April. Mr. Lewis, I believe, claimed perhaps that the contract expired in April or perhaps he claimed that it had been violated by the employers, so that he had a right also to violate it. In any event the injunction seems to have been issued, at least in part, on the theory that the workmen were under contract to work. Now, whether if they were not under contract to work the Government could secure an injunction to make the employees work I think is an open question. In other words, I do not think I can say "Yes" or "No" to the Senator's question.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. HOLLAND. Is it not the Senator's opinion that in a case of seizure by the Government under the proposed amendment offered by the Senator from Illinois, in the event there were contracts in existence at the time, under the now established laws of the United States the right of injunction would lie to protect the continued operation of important national industries which had been seized?

Mr. TAFT. I am not so sure about that if the Taft-Hartley Act were repealed. I think it would be at least a doubtful question. After all, the United Mine Workers case was decided by a 5 to 4 decision, and a very slight variation in the facts might lead to a different result.

Mr. HOLLAND. Mr. President, will the Senator yield for another question?

Mr. TAFT. I yield to the Senator from Florida.

Mr. HOLLAND. In spite of the reluctance of the distinguished Senator to state with assurance that injunction would lie in any particular case, is it not the opinion of the Senator from Ohio that there are cases under which if seizure followed under the Douglas amendment, an injunction would properly lie?

Mr. TAFT. I think there might be such cases, yes.

Mr. HOLLAND. And that this amendment by no means does away with the prospects of use of injunctions in order to keep important national industries in operation?

Mr. TAFT. I think the Senator is correct with respect to the possibility of that being done. I have already pointed out that I think under the so-called general constitutional powers of the President there is at least a possibility, even though I do not agree with it, that an injunction might be obtained.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DOUGLAS. I should like to make a couple of points, and I will try to phrase the matter in the form of a question, if I may.

Mr. TAFT. Let me finish. I shall conclude in a moment and then I will yield the floor.

Mr. President, in contrasting these two amendments I have not had a full opportunity to examine the amendment of the distinguished Senator from Illinois, but it is based primarily on seizure. That is the theory of it, regardless of what the possibilities may be. The express provisions are simply for seizure. Seizure and nothing else is the remedy proposed. I do not think that seizure is a very effective remedy. Seizure, incidentally, is the taking, not of the property of the workmen; it is the taking of the property of the employer. It is the taking of property of an employer who may be wholly right. He may be wrong, but on the other hand he may be wholly right. It is certainly an emergency action at least more doubtful, I think, and more one-sided than the injunction.

I agreed to insert a seizure provision in our amendment in conjunction with the injunction provision. The two taken together, it seemed, covered the field. The President could ask for one or the other as he might see fit, or he might ask for both. In both cases they were merely intended as something to maintain the status quo for 60 days, with the definite provision that the property goes back to the owner after that time. The amendment of the Senator from Illinois proposes that there be one period of 30 days, and then another period of 60 days after that. After the report, there shall be a period of 30 days, and then 60 days more, that is 90 days in all. Then the seizure can be indefinitely continued by concurrent resolution of Congress, and then we would have such a situation as seizure got us into during the war, in which, having taken hold, we cannot let go.

Now the seizure we propose is a very simple seizure compared to the other. Furthermore, the Senator attempts to spell out in his seizure provision a whole series of methods by which compensation shall be determined. First, the United States is entitled to reimbursement for expenses. Then any income shall go into the Treasury as miscellaneous receipts. Then just compensation is to be determined in these words:

In determining just compensation to the owners of the enterprise, due consideration

shall be given to the fact that the United States took possession of such enterprise when its operation had been interrupted by a work stoppage or that a work stoppage was imminent.

In other words, that would in effect be saying to the owners, "You are not going to receive anything for your plant because if we had not taken it you might not have made any money on it. It might have been shut down." That seems to me to lay the ground for the granting of no compensation at all. Our amendment leaves the whole matter open.

If there is to be seizure the owner can seek just compensation. Where the Government comes in only for 60 days, and knows it is going to be out after 60 days, the chances are they do exactly what they do in every other seizure case; they simply operate the property and turn over the profits to the owner as being roughly equivalent to just compensation for the use of the property.

But under the provision of the Senator's amendment it seems to me there would be a long law suit, and that the compensation would be determined, not by the courts in the first instance, but by some board appointed by the President which would, I believe, be very strongly influenced by this language to give just as little compensation to the owner as possible. It may be a case in which the owner is no way to blame, in which he has not any responsibility whatever. Sometimes the employer is right. Sometimes the employer is wrong. But in half the cases, we will say, the employer may be right, yet he is going to be penalized by having his plant taken, and being compensated on a very limited basis.

So the seizure that is provided for in the Senator's amendment seems to me something which is much less than fair, which can be continued indefinitely, and which may lead to that ultimate socialism of industry and the permanent seizure by the Government. There is more chance of that under the Senator's amendment than under the very simple provision which we have agreed to in our amendment.

If the President is going to have the powers referred to, it seems to me it is wise to make provision in the law respecting those powers. The principal difference is, of course, that we include the injunction. we include provision for deferment of a strike for 60 days while further efforts at mediation are made. The amendment offered by the Senator from Illinois does nothing of the kind. There are cases of Government seizure and still men will not work. That was true in the last case in the railroad industry. So that seizure is not a final method of securing the maintenance of the status quo for a period of 60 days.

Mr. President, I hope the amendment of the Senator from Illinois will be rejected and that the amendment we have offered will be adopted.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5060) making appropriations for the legislative branch for the fiscal year ending June 30, 1950, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 2361) to provide for the reorganization of Government agencies, and for other purposes, and it was signed by the Vice President.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

Mr. DOUGLAS. Mr. President, I should like to reply, if I may, to some of the observations of the very able Senator from Ohio. I should like to say, to begin with, that we are dealing here with one of the most perplexing problems which our country faces. It is fundamental that we should reconcile the rights of labor in a free society with the need to prevent a break-down of those services which are essential to public health and safety.

In the nature of the case there is no perfect answer to those two sets of values which we are trying to reconcile and harmonize. In a free society we neither can nor should prevent strikes. In a free society men should be ultimately permitted to quit work, either individually or collectively, if they so desire. A police state can prevent strikes; and it does prevent them by the process of throwing the strikers or their leaders in jail, or shooting them down. That was fundamentally the method of preventing strikes in Fascist Italy and Nazi Germany. It is now the fundamental method used in Communist Russia. But a free society neither can nor should use such methods, and ultimately men should be free to leave work. Yet at the same time, due to the fact that industries and people are interrelated, the community can be brought to its knees by the disruption of vital services in transportation, coal mining, in steel after a period of time, in power plants, and so forth. We all recognize that the interests of the community as a whole, and of the great masses of consumers, need to be protected, as well as the interests of the strikers.

I am very frank to say that there is no perfect solution to any attempt to reconcile these conflicting, and in some cases contradictory, purposes—namely, freedom for the worker and at the same time protection for the community. In the main, a free society must depend upon the voluntary good sense of all parties, and upon the willingness of individual groups to subordinate their interests to the general good. It is upon that sense that fundamentally every society that aims to be free must depend. Any system of law is only supplementary to that principle, and can only introduce refinements upon it.

As I see it, there are only three legal methods by which we can attempt to supplement the main policy of getting the parties together. There are only three methods by which we, as a state, can deal with the issue.

The first is the method of compulsory arbitration. I do not believe that any responsible group, either of workers or employers, desires this. If we trace the history of compulsory arbitration, as it has been tried in New Zealand and in Australia, we find that it leads to a very minute regulation of all the affairs of industry and tends to supplant the free and voluntary agreement of the parties. I am very pleased to see that no one in this present situation is proposing compulsory arbitration.

The other two methods are injunctions and seizure. I wish to say just a word about the difference between those methods—between the methods at present embodied in the Taft-Hartley law and continued in the proposed Taft Act, and those embodied in the amendment submitted by the Senator from Vermont [Mr. AIKEN] and myself.

The injunction, as it has been used under the Taft-Hartley law, and as it is also contemplated in the proposed Taft Act, is a court order, obtained after a showing by one party to the controversy, which orders the men and their leaders to go back to work for a private employer producing for private profit, on terms which prevailed at the outbreak of the dispute, and which those who originally went out on strike believe to be unjust. I submit that this method is not one to obtain consent from the great groups of workers in this country, and it is not one fundamentally to obtain justice.

The able Senator from Minnesota [Mr. HUMPHREY] has pointed out the fact that in the 23 years during which the Railway Labor Act has been in effect there have been virtually no strikes of any consequence during the so-called cooling-off period of 60 days. All that the Taft-Hartley law does, all that the proposed Taft Act does, and all that our amendment does, is to provide a cooling-off period for a certain length of time. After that period of time, under every proposal which is made the parties would be free to act, and there would be no legal restraint upon them. Therefore the whole question is, How can we get uninterrupted production and yet approximate justice and encourage a settlement during the so-called cooling-off period?

That is all that is at stake—60 days under the Taft proposal, 30 days as in the Thomas bill, and 90 days as in the Aiken-Douglas amendment.

As the Senator from Minnesota has pointed out, in the railway industry there has never been a strike of appreciable size during the 60-day period of negotiation and conciliation, and the injunction has not been needed in the railway industry to maintain peace and uninterrupted production during those 60 days. They have been obtained without the injunction.

The railway strike of 1946 occurred after the cooling-off period; and, as has been developed on the floor of the Senate, it was perfectly legal and would have been legal under the Taft-Hartley law. It would have been legal under the proposed Taft amendment, and would have been legal under our amendment.

The able Senator from Minnesota is entirely correct when he says that the procedure of the Taft-Hartley law and of the Taft amendment, with all the injunctions which might be possible, would not preserve peace any more fully in the railway industry than has been done. But we have had some experience under the Taft-Hartley Act. There have been seven cases of declared national emergencies. In four of the cases injunctions were obtained. In three cases injunctions were not obtained. Those four cases were the atomic-energy case, the longshore strike on the Atlantic coast, the maritime strike on the Pacific coast, and the general coal-mine strike of 1948.

Let us take up the first three cases first. In the two maritime strikes, one on the Pacific coast and the other on the Atlantic coast, the workers waited out their 80 days, and then struck. There is as much evidence to indicate that the injunction heated the men up as that it cooled them off. One could make a very good case indeed that these strikes after the period of 80 days were more violent and more bitter than they would have been had the injunction not been used.

The atomic-energy case was an example of a case in which the workers wanted to arbitrate. The plant was operated by a private company under contract. The workers were the ones who asked for arbitration. The company did not wish to grant arbitration. The workers gladly waited out the 80 days, and at the end of the 80 days the dispute was settled, not because an injunction had previously been issued, but because responsible leaders of the American Federation of Labor went to Tennessee and persuaded the men not to strike under any conditions, because, as we all know, a strike in such an operation as that would be extremely serious.

Mr. LUCAS. Mr. President, will the Senator yield on that point?

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the junior Senator from Illinois yield to the senior Senator from Illinois?

Mr. DOUGLAS. I shall be very glad to yield.

Mr. LUCAS. I should like to ask my able colleague a question along that line: At the end of 80 days during the emergency, the injunction expired, is that correct?

Mr. DOUGLAS. That is correct.

Mr. LUCAS. Am I correct in my understanding that the only way another injunction could have been obtained would have been for another cause of action to have arisen after the first cause of action had ended?

Mr. DOUGLAS. That is correct.

Mr. LUCAS. I ask that question because on yesterday the Senator from Minnesota [Mr. THYE] had this to say, according to the RECORD:

> If I may be allowed to make a comment along with my question, I recognize that under the injunctive procedure, if an injunction is imposed for 60 to 90 days, at the end of that period the dispute immediately continues, and there may be a second injunction imposed. Would there not come a time when we would actually be proceeding under a constant injunction?

That query was propounded to the able Senator from Oregon [Mr. MORSE]. The Senator from Minnesota proceeded a little further about the matter, but the Senator from Oregon did not answer that question. I was tempted to rise at the time and ask the able Senator from Oregon to elaborate on that point.

It seems to me it should be cleared up at this time, because some persons have a notion that once an injunction is granted by a court, it continues, and is a continuing injunction. In other words, some persons have a notion that an injunction procedure in national emergencies cases would be similar to a procedure under an injunction obtained in Mason County, Ill., in a suit between two parties.

However, that is not the case here. I understand that after the 80 days have elapsed, the injunction becomes noneffective, and then those who have engaged in the strike can either settle it themselves, or can continue to strike, or can do anything else they wish to do, without having any phase of the Taft-Hartley law effective.

Mr. DOUGLAS. My good friend, the senior Senator from Illinois is completely correct in his statement; and I doubt, although I do not know, whether the Senator from Ohio would say that after the period of 80 days has passed, in a case in which a national emergency has been declared, the President could again say that a national emergency existed, because in that event we would be faced with the possibility of a continuing injunction, which the Senator from Ohio may wish to get away from.

Mr. LUCAS. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. LUCAS. As the RECORD shows, the Senator from Minnesota [Mr. THYE] also said yesterday:

> The same idea could be applied to seizure. At the end of the seizure period, if the question arose again, there could be imposed another seizure. Would not the plant, under those circumstances, be under the supervision of the Government or a board or a commission established by law to maintain control and operate the plant?

In other words, the senior Senator from Minnesota was laboring under a completely erroneous conclusion with respect to the effect of either the seizure or injunction provisions, once the cooling-off period has expired.

Mr. DOUGLAS. He certainly labors under an erroneous conclusion insofar as the seizure provisions of the Aiken-Douglas amendment are concerned, because we specifically say that the injunction cannot be continued beyond 90 days except by concurrent resolution of both Houses of Congress.

I am not certain that the Senator from Ohio has in his amendment terminal procedure provisions similar to those contained in our amendment.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. CAPEHART. I am somewhat confused about the situation. Perhaps I shall not be after I obtain the Senator's answers to a few questions, if he will be kind enough to answer them.

From listening to the debate between the Senator from Illinois and the senior Senator from Ohio I have gathered the impression that the injunction provisions of the present Taft-Hartley Act have failed to work and have not accomplished anything.

Mr. DOUGLAS. That is my conclusion; yes.

Mr. CAPEHART. And that we would be better off without them.

Mr. DOUGLAS. That is my belief; yes.

Mr. CAPEHART. Then I have just read the proposed amendment of the Senator from Illinois to the amendment of the able Senator from Ohio, and I find that the Senator from Illinois in that amendment is asking for injunction procedures.

Mr. DOUGLAS. Oh, no.

Mr. CAPEHART. And is asking that plants be seized.

Mr. DOUGLAS. No; we are asking for seizure as a last resort; but there is no explicit provision for an injunction in our amendment.

Mr. CAPEHART. What is the difference between seizing plants and obtaining an injunction?

Mr. DOUGLAS. There is a very great difference.

Mr. CAPEHART. In principle, what is the difference?

Mr. DOUGLAS. Under an injunction, an order is issued putting upon labor an obligation to return to work for a private employer, under the conditions which prevailed at the time of the outbreak of the dispute. In the case of seizure, the men are asked to return to work for the community; and that constitutes a very real psychological difference, I think.

Mr. CAPEHART. In principle, the amendment of the Senator from Illinois would simply say to labor, "You must go back to work on the same terms on which you were working before, until something happens in the future." Is not that correct?

Mr. DOUGLAS. As I was attempting to say, what we are trying to do is at once to protect the rights of labor and also to protect the community and enable the community to have uninterrupted service in the things that are vital to its health and safety; and there is no completely satisfactory answer as to how to reconcile those two purposes.

Mr. CAPEHART. From the statements which have been made, I gathered that the Senator from Illinois is opposed to any sort of interference with the right of labor to strike, and that he is opposed to any injunction or seizure, but that he thinks labor should be permitted to continue in its own way.

Mr. DOUGLAS. I am opposed to any complete prohibition of the right to strike; that is correct.

Mr. CAPEHART. Do I correctly understand that the amendment of the Senator from Illinois in effect would say to the strikers, "You must go back to work"?

Mr. DOUGLAS. First, let me say that it is our belief that if there is a 90-day waiting period and an emergency board making findings and recommendations and if the injunction is removed from the field, there is much more likelihood that an agreement will be reached, so that the men will continue to work for the private employer. But if that fails, and if the only way of dealing with the issue is by Government seizure, then we adopt that method.

Mr. CAPEHART. Mr. President, will the Senator yield further?

Mr. DOUGLAS. Yes.

Mr. CAPEHART. Under the Taft-Hartley law there is an 80-day waiting period; is there not?

Mr. DOUGLAS. That is correct.

Mr. CAPEHART. And under the Douglas amendment there is likewise a waiting period; is there not?

Mr. DOUGLAS. Yes; a waiting period of 90 days.

Mr. CAPEHART. A waiting period of 90 days?

Mr. DOUGLAS. That is correct.

Mr. CAPEHART. Under the Taft-Hartley law, at the end of 80 days the injunction is issued——

Mr. DOUGLAS. No; the injunction is issued before the 80 days, and it can run during the 80 days. After the 80 days, the men are free.

Mr. CAPEHART. The point which confuses me is this: Are not the end result of the amendment of the Senator from Illinois, the end result of the Taft amendment, and the end result of the corresponding provision of the Taft-Hartley Act one and the same? In other words, all of them provide that at the end of a certain period of time the strikers shall be told, "Now you have to go back to work."

Mr. DOUGLAS. No; they are alike only in that at the end of 60, 80, or 90 days, respectively, they provide that the strikers are free to proceed as they wish.

Mr. CAPEHART. I understand that at the end of the cooling-off period, all three measures provide that the Government shall step in and shall say to the strikers, "Now you must go back to work." Is that correct?

Mr. DOUGLAS. No. At the end of that period all three of the measures allow complete freedom to both parties.

Mr. CAPEHART. Then let us start over again; one of us seems to be confused.

Mr. DOUGLAS. We shall try to reduce the confusion.

Mr. CAPEHART. When a strike occurs, a mediation board is appointed——

Mr. DOUGLAS. The emergency board should be appointed before the strike occurs, in order to investigate the issues at stake.

Mr. CAPEHART. Well, will the Senator from Illinois agree that at a given time, under all three measures—the present Taft-Hartley law, the Taft amendment, and the Douglas amendment—the Federal Government steps in and says that those who are on strike must go back to work?

Mr. DOUGLAS. No; I would not say that.

Mr. CAPEHART. Then what good is the Senator's amendment, or what good is the amendment offered by the Senator from Ohio [Mr. TAFT]? What good is the Taft-Hartley law?

Mr. DOUGLAS. I would say that the present Taft-Hartley law provides injunctive powers only to compel steady work during the cooling-off period. The amendment I have offered provides seizure powers only. But the new Taft amendment provides both seizure and injunction, and the Senator from New York, our very amiable friend, says, "Dump it into the lap of Congress."

Mr. CAPEHART. Will the able Senator explain to me as a practical matter, from the strikers' or workers' standpoint, what is the difference whether they are ordered back by injunction or whether they are ordered back by virtue of the Government's seizure of the plant? As a practical matter, from their standpoint of trying to secure more wages or better working conditions, what is the difference in principle between the two?

Mr. THOMAS of Utah. Mr. President, I think if the Senator will let me try to answer——

Mr. DOUGLAS. I am very glad to yield to the Senator for that purpose, if I may have unanimous consent.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. DOUGLAS. Yes; I am very glad to yield to the Senator.

Mr. THOMAS of Utah. I think the difference is very great. It comes from the fact that the workers trust their Government. Through seizure of the plant the working place is taken over by the Government, and the worker is willing to go back.

The PRESIDING OFFICER. Does the Senator from Illinois ask unanimous consent that the Senator from Utah may be allowed to answer the Senator from Indiana, without the Senator from Illinois losing his place on the floor?

Mr. DOUGLAS. Yes; I do. I hope I will not lose my place on the floor. I know the Senator from Utah will not take it from me.

The PRESIDING OFFICER. Without objection, consent is granted.

Mr. THOMAS of Utah. I think both the question and the answer have omitted one very important point. Under the injunctive theory, the court, which is, to be sure, a Government agency, merely orders a continuance of the status quo; that is, that the parties shall keep on doing what they have been doing. The point is, when such an order is issued, the Government tells the worker he must work for a private employer against his will. When the Government seizes a plant, the Government is in charge, and the worker in theory works for the Government. The difference is simply a difference of trust. The worker does not like to strike against his Government. He believes his Government will be fair with him. With the plant in Government hands he is sure that his rights will be maintained. It should be remembered that in the seizure case the worker's freedom to quit is not taken away from him, whereas in an injunctive case he must remain where he is.

Mr. CAPEHART. If the Senator from Illinois will yield further, if I read them correctly, both the Taft amendment and the Douglas amendment——

Mr. DOUGLAS. It should be called the Aiken-Douglas amendment. It is not a solo on my part.

Mr. CAPEHART. Under the Douglas-Aiken amendment, or the Aiken-Douglas amendment, even when the Government seizes the plant, the workers must still continue to work under the same conditions and for the same rates of pay.

Mr. DOUGLAS. The Government does not by itself alter the rates of pay or conditions of work. We included that restriction because at the end of 90 days we say the plants are to go back to private industry, and we did not want to fasten upon private industry increased costs to which they might not otherwise agree. It is our attempt to protect the private owners that causes us to include that provision.

Mr. CAPEHART. If the Senator will yield further——

Mr. DOUGLAS. I am very glad to yield.

Mr. CAPEHART. The able Senator from Utah says the workers have confidence in the Government which they might not have in private industry, and that they have the right to quit. If they have the right to quit, then are we not back to where we started? What is the use of discussing the matter at all? Why have any provision of law?

Mr. DOUGLAS. It is our belief that they will not quit when they see the Government is in possession of the plant, but will return to work.

Mr. CAPEHART. But the able Senator from Utah said they had the right to quit.

Mr. DOUGLAS. They have the right, but we believe that they will not exercise it.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Vermont.

Mr. AIKEN. My name was brought into the discussion. As I understand, it is not so much a question of where the worker is to repose his confidence, as it is a question of judgment. Under the Taft amendment, as I understand, if there is a strike in an industry which affects the health and security of the country, the Government could appeal to the courts for an injunction to keep the men working for the private industry.

Mr. DOUGLAS. That is correct.

Mr. AIKEN. Whereas under the Douglas amendment——

Mr. DOUGLAS. The Aiken-Douglas amendment.

Mr. AIKEN. Very well. Under the Douglas-Aiken amendment, the Government could not secure an injunction to keep the men working in private industry.

Mr. DOUGLAS. That is correct.

Mr. AIKEN. But the Government would have the power to seize the industry and operate it for the period of 90 days in the name of the Government, and during that time it could appeal to the courts to keep the men at work for the

Government in a vital industry. At the end of 90 days, of course, the plant, which would probably be a mine or a power plant, would have to be turned back to the owners. But before that time, if the strike was serious, I assume the President would have put the matter in the lap of the Congress. I do not believe, however, we should take the position that the President should throw it into the lap of Congress, as some of the amendments propose, before he has exhausted all the implements in the hands of the executive branch of the Government to settle the strike. In other words, I do not believe that Congress should undertake the work which properly belongs to the executive branch, until it becomes clearly apparent that the executive branch cannot handle the situation.

The injunction which is provided for in the Taft amendment would make it possible for the Government to require men to continue working for a private industry for its profit, whereas that could not be done under the Douglas amendment. The plant would have to be seized. Of course, the Taft amendment provides that the Government could seize the plant, and it also provides for the alternative plan of an injunction to keep the employees at work for a given period.

Mr. DOUGLAS. The Senator from Vermont has made a very able statement.

Mr. CAPEHART. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield to the Senator from Indiana.

Mr. CAPEHART. Is it not the end result, is it not the purpose of all three proposals, the amendment of the Senator from Ohio [Mr. TAFT], the amendment offered by the Senator from Illinois [Mr. DOUGLAS], and of the Taft-Hartley law to force the men back to work?

Mr. DOUGLAS. No.

Mr. CAPEHART. Then what good are they?

Mr. DOUGLAS. I may say to the Senator from Indiana in all charity that he seems to think that the only thing that will get men back to work is force.

Mr. CAPEHART. No, no.

Mr. DOUGLAS. We do not believe that at all. We believe that in the main if there are provided methods of conciliation, with proper instrumentalities an agreement will be obtained. It is not necessary to force men back to work; and we are trying to keep the idea of force as a latent possibility, far back in the picture, to be used as infrequently as possible. We do not want it to be in the forefront.

Mr. CAPEHART. If the Senator will yield further, how is it to be done? Let us then eliminate the word "force." But the men would be put back to work by virtue of a law, would they not?

Mr. DOUGLAS. We hope they would go back to work. We hope that they would return to work for the Government, and we believe that if that issue were presented to the American people, the men would resume their work. We have faith that they would.

Mr. CAPEHART. Mr. President, if the Senator will yield further, does he not know that in the case of the coal strike and the railroad strike, after the Government took over the properties and the men were supposed to be working for the Government, they still refused to work, and struck?

Mr. DOUGLAS. I know that was so in the case of the coal strike, but it is not at all certain that the application of the injunction caused them to return to work.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I should like to yield, first, to the Senator from Vermont.

Mr. AIKEN. Mr. President, of course there could be instances in which the men would not go back to work, but in a critical strike the men would be far less likely to defy their Government than they would be to defy a private employer.

Mr. DOUGLAS. The Senator from Vermont, in his customary laconic and accurate fashion, has stated in one sentence what the rest of us have been trying to say all afternoon.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HILL. Is it not a fact that, although the Government took over the coal mines, coal miners continued to work for the private coal operators, whereas, if the Government seizes and takes over the property, the employees will be working not for the private operators, but for the Government?

Mr. DOUGLAS. That is true; but we are also providing just compensation for the owners of the property during that period; not residual profits, but just compensation, interest upon capital, together with an allowance for the circumstances in which the business had been operating at the outbreak of the strike.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CAPEHART. The Senator is a member of the Committee on Labor and Public Welfare, and I am not. Therefore I have not had the advantage of listening to the witnesses as have some other Senators. But I should like to ask this question: Why is it not a better plan simply to permit the President of the United States to handle these matters under the inherent law of the land?

Mr. DOUGLAS. Without any specific instructions?

Mr. CAPEHART. Yes.

Mr. DOUGLAS. That was debated for some time. There were some who advocated it. I finally reached the conclusion that in a matter of such gravity as this it would be well for the Congress to spell out in advance the powers which the President could exercise, rather than to give him a blank check. I think that ultimately it would be safer for the Nation in most instances that that be done. In this respect I join with the Senator from Ohio [Mr. TAFT].

Mr. CAPEHART. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I am glad to yield to the Senator from Indiana.

Mr. CAPEHART. Is not the end result, either through the Taft amendment or the Douglas amendment, that we are turning the responsibilty and the authority over to the Government anyway?

Mr. DOUGLAS. We are returning some responsibility and some authority, but with differing powers. In the main, the difference is that the Senator from Ohio in the Taft-Hartley Act held on to the injunctive process; we want to use seizure, and the Senator from Ohio now advocates seizure as an alternative or coincidental method to injunctions as well.

Mr. CAPEHART. In other words, the proposal of the Senator from Illinois is to place an injunction against the employer and not against the employee.

Mr. DOUGLAS. No.

Mr. CAPEHART. Seizure is the same thing; is it not?

Mr. DOUGLAS. Oh, no; not at all.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Vermont.

Mr. AIKEN I think it goes without saying that the employer does not want his plant seized. The difference between the Taft amendment and the Douglas amendment is that the Taft amendment provides that the President may use injunction or seizure, whereas the Douglas amendment provides that the President may use seizure, and, I assume, injunction, if necessary, after seizure.

Mr. DOUGLAS. That is correct, but he could only use injunction if seizure did not work. He could not use it to force men back to work for the private project of private employers. But we do not believe it would be necessary to use the injunction after seizure.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CAPEHART. I am wondering if the Senator is not about to come to the same conclusion as that which I have reached, that if we permit the Federal Government to handle the matter, either by injunction, as some recommend, or by seizure of plants, as others recommend, the question is thrown back into the lap of the President of the United States, and why should we not permit the President of the United States to handle it under the inherent rights he has as the President of the United States? Why complicate the matter? I have listened to Senators who have stated that the plan will not work, it does not work, it has not worked, and that labor is opposed to it. I know labor is opposed to it; and the Senator from Illinois takes the position that it has not worked.

Mr. DOUGLAS. I say the injunction has not worked.

Mr. CAPEHART. In principle there is no difference between injunction and seizure, because in either case we order the men to continue to work against their will.

Mr. DOUGLAS. I do not know how I can make my statement any plainer than I have made it. I say that if we have Government seizure, in the vast preponderance of cases the men would return to work willingly and voluntarily, because they would be working for their Government.

Mr. CAPEHART. I wish I could agree with the able Senator from Illinois in

that statement. I wonder if the able Senator ever had any experience in negotiating contracts or whether he has ever hired labor?

Mr. DOUGLAS. I have done a great deal of arbitrating in industrial disputes. I think I mentioned a few days ago that I was chairman of an international board of arbitration for 17 years, and have arbitrated a great many disputes. When I was a member of the City Council of Chicago there were a great many disputes which I helped to mediate. While I have never met a large pay roll, I am not entirely ignorant on these questions. I do not, however, flaunt any experience I may have had, and I do not claim to be an expert.

Mr. CAPEHART. I should like to have someone—it does not need to be done today—explain to me why it is better either to adopt the amendment offered by the able Senators from Illinois and Vermont, or the one offered by the able Senator from Ohio, rather than to permit the President of the United States to handle these situations. I do not think we can force men to work, I do not think we make them work against their will.

Mr. DOUGLAS. Do I correctly understand the able Senator from Indiana to have the same sentiments which a character in Romeo and Juliet had when he said, "A plague on both your houses"?

Mr. CAPEHART. No; I am not taking that position at all.

Mr. DOUGLAS. The Senator said he did not agree with the Taft proposal, the Taft-Hartley proposal, or the Aiken-Douglas proposal, and that he wanted to trust to the inherent powers of the President.

Mr. CAPEHART. No; it has been maintained that the Taft-Hartley bill will not work and that the Taft amendment will not work. The Senator from Illinois offers an amendment containing a provision which is practically the same, by which it is said to the strikers, "You must go back to work." Why not leave it up to the President of the United States?

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I shall be glad to yield to the Senator from Vermont. I think he will be more successful in elucidating this point to the Senator from Indiana than, unfortunately, I have been able to do.

Mr. AIKEN. I think it would be very dangerous to assume that the President has inherent rights to do anything which he is not prohibited from doing by the Constitution or by the law. I believe the dictionary states that anything inherent is something done within one's self. It is, in effect, a divine right. The Revolutionary War was fought, as our history tells us, because King George of England assumed inherent rights. When the founding fathers established the Government of the United States they undertook to spell out, so far as possible, the various functions of the duties and authority of the different branches of Government, including that of the executive branch.

It would be very dangerous to assume that the power of the President was unlimited. I think labor and industry agree that they do not want any assumption of inherent rights on the part of the President. Therefore, it is very important to spell out, so far as possible, just what course the President should follow and what implements he should use in attempting to break a strike which was affecting the national health and safety.

I believe the Attorney General made a mistake in his statement that the President had such broad authority. We expected to have him before the committee and ask him about it, but were unable to get him before the committee, because he had very flimsy ground to stand upon.

Mr. CAPEHART. One other question, Mr. President. Now we are up to the 80 days, as it is in the Taft law, at which time the injunction runs out.

Mr. DOUGLAS. That is correct.

Mr. CAPEHART. And in the Taft amendment——

Mr. DOUGLAS. It is 60 days.

Mr. CAPEHART. And in the Aiken-Douglas amendment it is——

Mr. DOUGLAS. Ninety days. Seizure is limited to that.

Mr. CAPEHART. At the end of the 60, 80, or 90 days, so far as the strike is concerned, the law expires, and then what are we going to do, if the workers have not gone back to work, and the strike is not settled?

Mr. DOUGLAS. I would say there is one thing we should not do; we should not fasten a permanent injunction upon labor, and I hope the Senator from Ohio does not propose to fasten a permanent injunction on them. We should not fasten a permanent seizure on an industry, I would expect that under those conditions what would happen would be that probably, if the situation were grave, the Congress would be called into session.

Mr. CAPEHART. Does not the Senator think that at the end of 60, 80, or 90 days, the President of the United States, under existing powers and authority vested in him, would have the right to step in and stop a Nation-wide coal strike, or railroad strike, or any other strike that was interfering with the safety of the American people?

Mr. DOUGLAS. I would much prefer that he did it with the advice and consent of Congress. I would again like to point out that in our amendment we provide a remedy. We provide that the seizure can continue beyond the 90 days if both Houses of Congress so agree. So that we keep the ultimate action in Congress.

Mr. CAPEHART. The Senator does not need to write anything into law to give both Houses of Congress the right to pass a law. They can do that any time they desire to do so. It is not necessary to spell that out in any legislation. If there were a national emergency, the President of the United States would have the right to call the Congress into session, and they would have the right to pass any legislation they thought fit.

Mr. DOUGLAS. We believed it would be helpful to specify additional powers. The President could not take action by himself.

Mr. CAPEHART. Without any law or any method of dealing with this situation, after the Mediation Board have concluded their findings and reported to the President, if the matter is not immediately settled, why should we not put ourselves in the same position in which we would be at the end of the 60, 80, or 90 days?

Mr. DOUGLAS. Does the Senator mean to go immediately to Congress? Is that his proposal, that immediately upon the report of the Emergency Board, the matter should be submitted to Congress?

Mr. CAPEHART. No, I rather feel that we should leave it entirely up to the President of the United States.

Mr. DOUGLAS. Does the Senator want the President to use his power, or is it the Senator's belief that nothing should be done?

Mr. CAPEHART. My belief is that in case of a national emergency, the President of the United States should take whatever action is necessary in order to protect the people, which he has the right to do, in my opinion, as to anything which affects the safety of the people.

Mr. DOUGLAS. That issue was discussed in the committee. I am sure the Senator's very able colleague, the Senator from Missouri, does not agree with him in his statement, because I heard him expound at some length the principles of constitutional law which he contended very strictly limit the inherent powers of the President. I suggest that the Senator from Indiana get together with his colleague, the Senator from Missouri, and settle these issues.

Mr. CAPEHART. I am hopeful that the matter will be debated; but I was curious to know why we have three proposals. So far as I am personally concerned, all three are exactly the same, the end result is exactly the same, one providing 60 days, one 80 days, the other 90 days, and all three of them order the men to go back to work. That is all any one of the three does. The Senator can call it any name he desires to call it—seizing the factories, or whatever he wishes to denominate it—it is one and the same thing. The men are told at the end of a certain period of time, "You go back to work." Then if at the end of 60, 80, or 90 days the strike has not been settled, we are right back where we started; we have no legislation regarding it whatsoever; we have either to call Congress into session and pass new legislation, or the President has to handle the matter under his inherent powers.

Mr. DOUGLAS. It is our belief that during the 90 days, with the procedures we have outlined, virtually all strikes would be settled, and instead of bringing in these ultimate resorts immediately, we would create a period of negotiation.

Mr. President, I seem to have failed utterly and completely in conveying my meaning to the Senator from Indiana. I confess to a sense of frustration and inferiority at my failure in the whole matter, and I shall earnesly try, when we next engage in this discussion, to do better, so I ask the Senator to accept my regrets and my expression of inferiority for the way I have handled this matter.

Mr. CAPEHART. What is it the Senator failed to do?

Mr. DOUGLAS. I failed to make clear to the Senator that during the 90-day period there would be effective methods

for dealing with the majority of strikes. I confess, as I have said, my sense of inferiority and failure. The fault must be mine.

Mr. CAPEHART. I agree with the able Senator that either the Taft amendment or his amendment deals effectively with the matter, because it simply orders the men to go back to work. There is no question about that.

Mr. DOUGLAS. The more the Senator speaks, the more a deepening sense of inferiority sweeps upon me. I say that sincerely.

Mr. CAPEHART. I am quite surprised that the Senator would not advocate that the President should handle the matter.

Mr. DOUGLAS. I may say that in the early part of the hearings, as the record will show, I thought that it might be well not to pass specifically on this point, and to trust to the implicit powers of the President. I think I so expressed myself. The more I thought it over, however, the more afraid I became that we might have a President sometime who would interpret those powers too broadly, and that we would have a tyranny fastened upon the country. Therefore, in order to protect the country from a possible future President—of a different political complexion—I thought it would be desirable to put in these restrictions and guides.

Mr. CAPEHART. The President will have to handle the matter, under either of the provisions, at the end of the 60, 80, or 90 days. The Senator is basing his hope on the fact that during the 60, 80, or 90 days the men will cool off and the employers will cool off and they will get together. He is basing his entire hope on that.

Mr. DOUGLAS. We hope that they will not only cool off, but will come to an agreement.

Mr. CAPEHART. Would not the better method of having them cool off be to let them know that the President of the United States would have the right to settle the matter in 1 day, or 10 days, or 20 days, or 30 days, or 40 days?

Mr. DOUGLAS. I should be very much more pleased if the Senator from Indiana would prepare an amendment to that effect, and I shall be glad to study it carefully.

Mr. CAPEHART. If I prepare an amendment, will the able Senator from Illinois support it?

Mr. DOUGLAS. I would want to see the amendment. But I will say that I would study it with great interest. I shall be very greatly gratified if the Senator will prepare such an amendment, so we may discuss it.

Mr. DONNELL. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. FREAR in the chair). Does the Senator from Illinois yield to the Senator from Missouri?

Mr. DOUGLAS. I am glad to yield.

Mr. DONNELL. Permit me to revive the Senator's drooping spirits by asking him a question along a little different line from those which have just been asked him.

Mr. DOUGLAS. Mr. President, permit me to say to the Senator from Missouri that my spirits are really not drooping so much, and my inferiority complex is recovering.

Mr. DONNELL. I realized that as soon as I got on my feet.

I wish to ask the Senator from Illinois if I am correct in understanding him to say some little time ago, in substance, that the provisions of the Aiken-Douglas, or Douglas-Aiken amendment relative to the expiration of the time of the seizure are more definite and certain than are the corresponding provisions of the Taft amendment? Am I correct in my understanding of the Senator's statement?

Mr. DOUGLAS. I think I said I was not certain what the provisions of the Taft amendment were in that respect.

Mr. DONNELL. Mr. President, will the Senator yield for a further question?

Mr. DOUGLAS. I am glad to yield.

Mr. DONNELL. Will the Senator permit me to read a few lines, on page 6 of the Taft amendment, which I think will clear up the question in his mind. This is the provision of the Taft amendment:

> At the end of a 60-day period following the issuance of a proclamation pursuant to section 301 or upon a settlement being reached, whichever happens sooner, the Attorney General shall move the court to discharge the injunction and return the industry to the owners thereof if the President has taken possession, which motion shall then be granted and the injunction discharged.

Does not the Senator think that that is a very clear and definite provision as to the expiration of the period of the seizure?

Mr. DOUGLAS. Apparently it is, but the uncertainty which arises in my mind is based on the fact that I am not certain whether the Taft amendment contemplates the issuance of a second proclamation. That is, if, after the expiration of 60 days, the President should issue a proclamation for the second time saying that the national emergency existed, there could then be a continuing injunction going on permanently. It was upon that point that I had expressed my uncertainty.

Mr. DONNELL. Mr. President, will the Senator yield for a further question?

Mr. DOUGLAS. Yes.

Mr. DONNELL. I understand that the provisions of the Douglas-Aiken amendment are that possession by the United States shall be terminated not later than 60 days after the issuance of the report of the emergency board, unless the period of possession is extended by concurrent resolution of the Congress. Am I correct in that?

Mr. DOUGLAS. The Senator is correct. This is a total of 90 days, however.

Mr. DONNELL. So the Douglas-Aiken amendment contemplates and specifically provides for the possibility of a concurrent resolution of the Congress extending the period of the seizure?

Mr. DOUGLAS. That is correct.

Mr. DONNELL. Whereas the Taft amendment distinctly provides, as I have already read, that at the end of the 60-day period, and so forth, the Attorney General shall move the court to discharge the injunction and return the industry, "which motion shall then be granted and the injunction discharged."

I have correctly quoted the two amendments, have I not?

Mr. DOUGLAS. As I said, the uncertainty in my mind is whether under the Taft amendment the President could not issue a second proclamation upon the expiration of the 60-day period, and then after another 60 days issue a further proclamation, and so on. That is the question in my mind.

Mr. DONNELL. Mr. President, may I ask the Senator a further question?

Mr. DOUGLAS. I am glad to yield to the Senator from Missouri for a question.

Mr. DONNELL. Does the Senator find anything in the Taft amendment that provides for or even remotely hints at the idea of a subsequent application to renew the seizure a short time after it shall have been terminated?

Mr. DOUGLAS. I do not find an authorization, but the lack of a prohibition led to some uncertainty in my mind.

Mr. DONNELL. That is the uncertainty to which the Senator refers, rather than any doubt as to the meaning of the specific language used in the Taft amendment.

Mr. DOUGLAS. That is correct.

Mr. DONNELL. I thank the Senator from Illinois.

Mr. AIKEN. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. I am very glad to yield to the Senator from Vermont.

Mr. AIKEN. Is it not possible that the President might assume inherent powers to issue a second proclamation at the end of the 60 days, inasmuch as he is not prohibited from doing so under the Taft amendment?

Mr. DOUGLAS. That is correct.

Mr. DONNELL. Mr. President, will the Senator again yield to me?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. DONNELL. Did I correctly understand the Senator to state that he understood my position was that the President does not possess those inherent powers?

Mr. DOUGLAS. I so quoted him in reply to the Senator from Indiana. I would suggest to the Senator from Indiana and the Senator from Missouri that they get together on this question of the inherent powers of the President.

Mr. DONNELL. I thank the Senator from Illinois.

Mr. PEPPER. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. PEPPER. If I understand the situation correctly, there are now before the Senate five proposals dealing with the subject of the national emergency. The Thomas bill provides for Presidential proclamation; for the appointment of a fact-finding board; for giving the fact-finding board power to make recommendations, and the bill itself makes it the duty of the worker to stay on the job if he is on the job when the Presidential proclamation issues, and if he has gone off the job, to resume work.

Mr. DOUGLAS. I may say in justice to the Senator from Florida that I yielded for a question.

Mr. PEPPER. I wish to ask the Senator from Illinois a question.

Mr. DOUGLAS. I shall be very glad to have the Senator do so.

Mr. PEPPER. I was going to ask the Senator from Illinois if his amendment and the Taft amendment and all the other amendments, except the Thomas bill, do not contemplate seizure by the President of the United States?

Mr. IVES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. IVES. Mr. President, will the Senator from Illinois yield?

Mr. PEPPER. I was asking the question if all the other amendments, except the Thomas amendment, did not contemplate seizure by the President.

Mr. IVES. The answer is "No."

Mr. PEPPER. The Ives amendment does not?

Mr. IVES. No.

Mr. PEPPER. It makes seizure possible if the Congress should allow it?

Mr. IVES. No; that is wrong, too.

Mr. PEPPER. The Senator has withdrawn that provision. That is a gleam of light breaking into this Chamber. I am glad to hear that statement by the Senator from New York. But leaving out the amendment of the Senator from New York, the other amendments, at least the amendment of the Senator from Illinois and his associates, and the amendment of the Senator from Ohio, contemplate seizure, do they not?

Mr. DOUGLAS. They each contemplate seizure. In addition the Senator from Ohio has in his amendment a provision for injunctions to be obtained from a court to send men back to work for a private employer.

Mr. PEPPER. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. I yield for a question.

Mr. PEPPER. The Taft amendment provides that upon the application of the Attorney General, after proclamation has been made by the President, and at the direction of the President, the district court may allow seizure or injunction, or both seizure and injunction. Is that correct?

Mr. DOUGLAS. That is correct. If the Senator from Florida had been present during the early hours of the afternoon he would have heard that point explained at great length.

Mr. PEPPER. It is not altogether information I am seeking. I also wish to make a deduction, if the Senator will allow a deduction to be made as the basis for a question.

Mr. DOUGLAS. Is the deduction to be put in the form of a question or a speech?

Mr. PEPPER. It is a deduction which I wish to submit to the Senator.

Mr. DOUGLAS. I am glad to yield to the Senator for a question.

Mr. PEPPER. The amendment of the Senator from Illinois allows seizure at the instance of the President?

Mr. DOUGLAS. Is that a question?

Mr. PEPPER. That is a question.

Mr. DOUGLAS. The answer to the question is "Yes."

Mr. PEPPER. Now, the next question——

The PRESIDING OFFICER. Does the Senator from Illinois yield for a further question?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. PEPPER. I propose to ask the Senator a question. Does the Douglas amendment also——

Mr. DOUGLAS. The Douglas-Aiken amendment.

Mr. PEPPER. The Douglas-Aiken amendment. Excuse me. Does that amendment also allow or give a predicate for the injunction?

Mr. DOUGLAS. Would the Senator from Florida define "predicate"?

Mr. PEPPER. Does it carry the right of injunction with it, in addition, as I understand, to the seizure the Senator's amendment allows?

Mr. DOUGLAS. It does not carry with it the right to obtain an injunction to send men back to work for a private employer. It does not contain that right.

Mr. PEPPER. Will the Senator yield for another question?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. PEPPER. If the seizure has occurred, and the property is in the possession of the Government of the United States or an agency thereof, by the direction of the President, then does that constitute the predicate and basis upon which an injunction also may be applied for by the President of the United States or by his agents?

Mr. DOUGLAS. If the Senator from Florida had been present during the early hours of the afternoon, he would have heard my reply on a case where the Government has already seized the property. According to the decision of the United States Supreme Court in *United States* v. *United Mine Workers of America* (330 U. S., at p. 289), the Court held that in a case such as this, "where the Government has seized actual possession of the mines or other facilities and is operating them, and the relationship between the Government and the workers is that of employer and employee, the Norris-LaGuardia Act does not apply."

Therefore I presume that under the authority of this decision the Government would have the power to obtain an injunction; but it is my belief that it would almost never be necessary, because in 99.99 percent of the cases the mere fact of Government possession would induce the workers to go back, and it would not be necessary to get an injunction.

Mr. PEPPER. Mr. President, will the Senator yield for a further question?

Mr. DOUGLAS. I yield.

Mr. PEPPER. Is it not a fact that the able Senator and his associate are proposing an amendment with full knowledge that if seizure is once obtained it will be the predicate upon which an injunction might also be obtained against the strikes stopping work? The Senator and his associate are offering their amendment with full knowledge that that is the legal incident which might attach to the procedure which he specifically provides for in his amendment. Is that correct?

Mr. DOUGLAS. We have never concealed that fact, and never sought to conceal it. It is there. We have been talking about it all afternoon.

Mr. PEPPER. Mr. President, will the Senator be good enough to yield for another question?

Mr. DOUGLAS. I am very glad to yield for a question. Let me say parenthetically that I have been accustomed in the past to have the heat turned on me from the other side of the aisle. It is now very interesting to have heat coming from this side of the aisle; but whatever the Senator from Florida asks I shall have the same affectionate regard for him I have always had.

Mr. PEPPER. The Senators knows that if this is a contest of affection, I would reluctantly accord him the position of winner.

Mr. DOUGLAS. Does the Senator mean that my affection for him is greater than his affection for me?

Mr. PEPPER. My affection for the Senator is greater than his affection for me.

Mr. DOUGLAS. I protest. The Senator's affection for me cannot under any conditions equal or surpass my affection for him.

Mr. PEPPER. I will admit that when each of us, with affection for the other, reaches the perihelion, we shall be equal.

If the Senator will further yield, is it not a fact that neither the Taft amendment nor the Douglas amendment——

Mr. DOUGLAS. The Douglas-Aiken amendment.

Mr. PEPPER. What other names shall I add in referring to the amendment of the Senator from Ohio? Has he any associates whom I may have neglected by not mentioning their names? Of course, there is my distinguished friend from Missouri [Mr. DONNELL].

Mr. DOUGLAS. Also the distinguished Senator from New Jersey [Mr. SMITH].

Mr. PEPPER. Is it not a fact that neither the amendment offered by the able Senators from Ohio, New Jersey, and Missouri, nor the amendment offered by the able Senators from Illinois and Vermont, while they both provide for seizure, and therefore allow the custody of the plant by the Government, has in it the provisions of the Smith-Connally law, which many of us regarded as salutary, giving the governmental agency having custody of the seized property the power to negotiate new agreements pertaining to wages and working conditions, so that when seizure occurred the Government might improve the condition of the workers and thereby induce a far more satisfactory state of mind on the part of the workers than by forcing them, either by seizure or injunction, to remain on the job?

Mr. DOUGLAS. Is the Senator from Florida asking a question or making a speech?

Mr. PEPPER. I am asking a question. Would not a far more satisfactory state of mind on the part of the workers be induced by reason of the Government improving the condition of the workers than if the workers were compelled by seizure or injunction to remain on the job until the lapse of 60 or 80 days, as the case may be? I am asking the Senator, Is the provision that was in the Smith-Connally Act in either the amendment of the Senator from Ohio and his associates or the amendment of the Senator from Illinois and his associate?

Mr. DOUGLAS. The answer is that it is not, and for a very good reason. The Smith-Connally Act was passed to maintain uninterrupted production during the period of the war. It was also passed with the War Labor Board in existence, and when there was a form of compulsory arbitration in effect. In order to make the decisions of the War Labor Board effective it was necessary that during the period of Government seizure the decisions of the Board should go into effect. But it is now peacetime. We have departed from the system of compulsory arbitration. There is no War Labor Board with the power to make decisions which are binding upon industry. Therefore we have omitted that section of the Smith-Connally Act.

Mr. PEPPER. If the Senator will further yield, does he not see some lack of equity in compelling the workers, by public coercion, to stay on the job without any improvement in their condition for 60, 80, or 90 days?

Mr. LUCAS. Mr. President, will the Senator yield on that point?

Mr. DOUGLAS. I yield.

Mr. LUCAS. I should like to make this observation: Times might become worse. There might be some question as to whether wages should be decreased rather than increased. I hope that time will never come. I hope that the wage earner will always obtain a fair and decent wage. But I can see that the time might come when even the wage earner himself, under certain conditions, might not want such a situation. That is another good reason why certain individuals do not want that provision.

Mr. DOUGLAS. My good friend and colleague from Illinois has just made an extremely important point. It is that if we were to go into a period of declining prices and unemployment, recommendations by the Emergency Board might well call for a decrease in wages. If the findings of the Board were to be made binding during the period of Government seizure, that would be resented by labor. So what we say is that the conditions existing at the time the Government took over the property shall remain unaltered. I think the Senator from Florida is assuming that labor always gets the better of every decision. It might not.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the Senator from Vermont.

Mr. AIKEN. For my part, let me say that this amendment is not an effort to take the part of either the employer or the employee—at the most, we will say, 400,000 employees. The amendment is offered in the interest of protecting the health and security of the 149,000,000 other citizens of the United States who are neither employers or employees in a particular dispute. In my opinion, what we should consider first of all in labor legislation, or any other type of legislation, is the effect on the security, safety, and happiness of the 150,000,000 people of the United States.

I suppose it is utterly impossible to enact legislation which is equally fair to all parties concerned in a controversy. However, I believe that this amendment represents the best effort we have been able to make so far, the best suggestion in this direction.

Mr. PEPPER. Mr. President, will the Senator yield for an inquiry?

Mr. DOUGLAS. I am very glad to yield for a question.

Mr. PEPPER. Nevertheless, is it not passing strange that it never seems to occur to many persons that during the 80 days or the 90 days, when they want the public protected, they never ask the employer to make any sacrifices at all?

Mr. DOUGLAS. Just a moment——

Mr. PEPPER. Is it not passing strange that we only ask the worker to stay chained to the job at the same wages for 80 days, but we never ask the employer to pay him any more?

Mr. DOUGLAS. Is this an inquiry of me?

Mr. PEPPER. That is an inquiry.

Mr. DOUGLAS. I should like to point out that under our amendment the Government is given the power to seize, and that this compels the employer, in a sense, to surrender to the Government the direction of his property. That is a very important infringement upon what he customarily regards as his rights.

We have had many objections to this proposal. In our attempt to grant even-handed justice we get objections from both sides; but we are attempting to protect the general interest.

Mr. PEPPER. I invite the Senator's attention to page 4 of his amendment, lines 2, 3, 4, and 5.

I ask the Senator to note the language that after the seizure shall occur—

> (d) Except as provided herein, any enterprise possession of which is taken by the United States under the provisions of subsection (a) of this section shall be operated under the terms and conditions of employment which were in effect at the time possession of such enterprise was so taken.

I ask the able Senator, is not the effect of that language to make the workers continue on the job, even though they feel deeply enough about the injustice of their employment to be willing to give up their pay and to quit their work in protest? Is it not unfair to think always about keeping the worker on his job for 80 days without any increased compensation or better conditions, without ever having the Government require the employer, during the 80 days, to pay any higher wages than those about which the workers were complaining?

Mr. DOUGLAS. The employer is compelled to give up direction of his property during that period of time, to receive only just compensation for his property, and to give up any residual profits.

Mr. AIKEN. Mr. President, if the Senator will yield, let me point out that the employer or owner of the property is denied any excess profits which he might make during that period of time by reason of the scarcity of the product.

Of coure, there would be opposition to any fair amendment if there were segments of either industry or labor that wanted everything or nothing, but the strongest opposition to the amendment so far has come from industry.

Mr. DOUGLAS. That is correct.

Mr. AIKEN. If I remember correctly, some full-page advertisements protesting against seizure have appeared in the press. Those advertisements must have cost a great deal of money.

As this matter works out, I think it does prevent labor from getting new and better contracts from the Government while it is in possession of the property, but it also prevents the operator of the plant from making large profits which might otherwise accrue to him.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am very glad to yield to the Senator for a question.

Mr. LONG. I wonder to what extent the Senator in preparing his amendment might have considered the opposite of that situation. In other words, he has explained that actually labor did not want to have an amendment which would have the settlement provide for the difference in working conditions, because labor feared that wages might decline, instead of go up.

Suppose the workers were faced, not with a dispute for more wages, but with a dispute as to whether they would accept less wages. Might it not be possible that the workers would wish to force the seizure of the plant, in order to obtain the same wages which they had been receiving?

Mr. DOUGLAS. I can say that it is not possible to provide a method which is completely foolproof and which will meet every possible emergency. There will be defects in every method proposed. We are well aware of the fact that there are defects in this proposal as to the procedure for dealing with national emergencies. We simply say that we think there are fewer defects in this proposed procedure than there are in the injunction process or in provisions for compulsory arbitration. Moreover, merely because the workers may want seizure does not mean the Government will give it to them. It did not do so in the meat packing strike.

Personally, I do not like any of the three proposed remedies. I simply choose this one as the least evil.

Mr. LONG. Will the Senator yield to permit me to ask another question?

Mr. DOUGLAS. Of course.

Mr. LONG. Does the Senator's amendment necessarily contemplate that the Government in operating the plant would

compel the same employees to operate it? In other words, would it not be possible that, because of the scarcity of labor, the President of the United States might see fit to call out the Army to operate the plant?

Mr. DOUGLAS. This measure certainly does not give the President authority to do so.

Mr. LONG. Certainly the President in his capacity as Commander in Chief of the Army and Navy would have such authority; would he not?

Mr. DOUGLAS. I shall have to refer the Senator from Louisiana to our distinguished constitutional lawyer, the Senator from Missouri [Mr. DONNELL] who has very decided opinions on such subjects, and also to the distinguished Senator from Oregon [Mr. MORSE]; I do not wish to omit him from our galaxy of distinguished lawyers who have definite opinions on such matters, and who, as I understand, do not believe the President has such power.

I have been trying to read some of the books on the subject. At first I thought the President does have such powers; but I have come to the belief that if he does have them it would be well to delimit them.

Mr. President, this has been a long debate, and I know that the Members of the Senate will ponder over the various proposals which have been advanced, and will reach their judgment as to which, in their opinion, is best.

It is our belief that, although the method which is proposed is not ideal, nevertheless, during the 80-day period during which negotiations will take place the pressure of public opinion will be working. And the public opinion which will result from the report of the emergency board—and, Mr. President, during the 60 days after the report is made, public opinion can still operate—and tend to effect the settlement of the vast majority of these disputes. If there are then still some cases which are not settled by this method—very, very rare cases—the President of the United States should be given explicit power to act, and yet we should have those powers carefully defined.

We believe that the best power to give him is seizure, and that it is preferable to the injunction, which arouses the opposition of labor, because in that event they feel that the forces of the law are being marshaled against them.

We commend this proposal to the earnest study and consideration not only of the Congress but of the country.

Mr. President, at this time, on behalf of the Senator from Vermont [Mr. AIKEN] and myself I should like to offer this amendment as a perfecting amendment to the amendment offered by the Senator from New York [Mr. IVES] to the Thomas substitute.

Mr. TAFT. Mr. President, I did not understand the Senator.

Mr. DOUGLAS. Earlier today I offered a perfecting amendment to the substitute offered by the Senator from Ohio.

Then the Senator from Ohio obtained unanimous consent that the Senator from New York [Mr. IVES] might have the privilege of offering an amendment to the original Thomas bill.

Therefore, I now offer a perfecting amendment to the amendment offered by the Senator from New York.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. TAFT. Is the Senator from Illinois withdrawing the amendment he has offered to my amendment?

Mr. DOUGLAS. No; in the language of card players, I am trying to trump both suits. [Laughter.]

Mr. IVES. Mr. President, the Senator from New York would remind the Senator from Illinois that this is "no trump." [Laughter.]

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Illinois [Mr. DOUGLAS] offered as a perfecting amendment to the amendment of the Senator from New York [Mr. IVES] will be printed in the RECORD at this point, without reading.

The amendment offered by Mr. DOUGLAS for himself and Mr. AIKEN to the amendment of Mr. IVES is as follows:

Amendment proposed by Mr. DOUGLAS (for himself and Mr. AIKEN) to the amendment proposed by Mr. IVES to title III of the amendment of Mr. THOMAS of Utah, dated May 31, 1949, to the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes, viz: Strike out all after line 21 on page 2 of the amendment of Mr. IVES and insert in lieu thereof the following:

"(c) After a Presidential proclamation has been issued under section 301, and until 60 days have elapsed after the report has been made by the board appointed under this section, the parties to the dispute shall continue or resume work and operations under the terms and conditions of employment which were in effect immediately prior to the beginning of the dispute unless a change therein is agreed to by the parties.

"POWERS OF EMERGENCY BOARDS

"SEC. 303. (a) A separate emergency board shall be appointed pursuant to section 302 for each dispute and shall be composed of such number of persons as the President may deem appropriate, none of whom shall be pecuniarily or otherwise interested in any organizations of employees or in any employer involved in the dispute. The provisions of section 11 of the National Labor Relations Act, as amended by this Act (relating to the investigatory powers of the National Labor Relations Board) shall be applicable with respect to any board appointed under this section, and its members and agents, and with respect to the exercise of their functions, in the same manner that such provisions are applicable with respect to the National Labor Relations Board. Any board appointed under this section may prescribe or adopt such rules and regulations as it deems necessary to govern its functions. Members of emergency boards shall receive compensation, at rates determined by the President, when actually employed, and travel expenses as authorized by section 5 of the act of August 2, 1946 (5 U. S. C. 73b-2), for persons so employed. Each emergency board shall continue in existence after making its report, subject to approval of the President, for such time as the national emergency continues for the purpose of mediating the dispute, should the parties to the dispute request its services. When a board appointed under this section has been dissolved, its records shall be transferred to the Secretary of Labor.

"SEC. 304. (a) After a Presidential proclamation has been issued under section 301 of this title, if the President finds a failure of either or both parties to the dispute to observe the terms and conditions contained in the proclamation, or an imminent threat of such failure, the President is authorized to take possession of and operate through such agency or department of the Government as he shall designate any business enterprise, including the properties thereof, involved in the dispute; and all other assets of the enterprise necessary to the continued normal operation thereof.

"(b) Any enterprise or properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) such owners have reached an agreement with the representatives of the employees in such enterprise settling the issues in dispute between them, or (2) the President finds that the continued possession and operation of such enterprise by the United States is no longer necessary under the terms of the proclamation provided for in section 301: *Provided*, That possession by the United States shall be terminated not later than 60 days after the issuance of the report of the emergency board unless the period of possession is extended by concurrent resolution of the Congress.

"(c) During the period in which possession of any enterprise has been taken under this section, the United States shall hold all income received from the operation thereof in trust for the payment of general operating expenses, just compensation to the owners as hereinafter provided in this subsection, and reimbursement to the United States for expenses incurred by the United States in the operation of the enterprise. Any income remaining shall be covered into the Treasury of the United States as miscellaneous receipts. In determining just compensation to the owners of the enterprise, due consideration shall be given to the fact that the United States took possession of such enterprise when its operation had been interrupted by a work stoppage or that a work stoppage was imminent; to the fact that the United States would have returned such enterprise to its owners at any time when an agreement was reached settling the issues involved in such work stoppage, and to the value the use of such enterprise would have had to its owners in the light of the labor dispute prevailing, had they remained in possession during the period of Government operation.

"(d) Except as provided herein, any enterprise possession of which is taken by the United States under the provisions of subsection (a) of this section shall be operated under the terms and conditions of employment which were in effect at the time possession of such enterprise was so taken.

"(e) Whenever any enterprise is in the possession of the United States under this section, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such enterprise are members, and of the officers of such labor organization, to seek in good faith to induce such employees to refrain from a stoppage of work and not to engage in any strike, slow-down, or other concerted refusal to work, or stoppage of work, and if such stoppage of work has occurred, to seek in good faith to induce such employees to return to work and not to engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such enterprise is in the possession of the United States.

"(f) During the period in which possession of any enterprise has been taken by the United States under this section, the employer or employees or their duly designated representatives and the representatives of the employees in such enterprise shall be obligated to continue collective bargaining for

the purpose of settling the issues in the dispute between them.

"(g) (1) The President may appoint a compensation board to determine the amount to be paid as just compensation under this section to the owner of any enterprise of which possession is taken. For the purpose of any hearing or inquiry conducted by any such board the provisions relating to the conduct of hearings or inquiries by emergency boards as provided in section 303 of this title are hereby made applicable to any such hearing or inquiry. The members of compensation boards shall be appointed and compensated in accordance with the provisions of section 303 of this title.

"(2) Upon appointing such compensation board the President shall make provision as may be necessary for stenographic, clerical, and other assistance and such facilities, services, and supplies as may be necessary to enable the compensation board to perform its functions.

"(3) The award of the compensation board shall be final and binding upon the parties, unless within 30 days after the issuance of said award either party moves to have the said award set aside or modified in the United States Court of Claims in accordance with the rules of said court."

Mr. DOUGLAS. Mr. President, I have concluded.

Mr. HUMPHREY. Mr. President, I wish to make a few remarks in reference to some statements made earlier this afternoon during the course of the debate, which now has almost concluded for 1 day, at least. First I desire to refer particularly to some of the testimony which was discussed and some of the witnesses who were mentioned.

I recall that during the debate between the distinguished Senator from Illinois [Mr. DOUGLAS] and the distinguished Senator from Ohio [Mr. TAFT], in connection with some questions asked by the junior Senator from Minnesota, we discussed Mr. William Morris Leiserson.

I recall that at one point the distinguished Senator from Ohio said he felt that Mr. Leiserson was favorable to labor, or at least he believed that in disputes affecting industrial relations, the power of Government should not be invoked, but that it was better that the parties themselves work out their problems together. As I recall he also made the statement that he considered Mr. Leiserson not an impartial or an unprejudiced authority. Of course, one cannot dispute those valued judgments, Mr. President, but one can refer to the record as to the capability, the experience, the background and the training of those who have appeared as witnesses before the committee and to whose testimony reference has been made in the debate.

I have in my hands, a copy of Who's Who in America, volume 25, 1948–1949. I refer to the biography of Mr. William Morris Leiserson, on page 1455. I think it would be well for the RECORD to make note of his background and of his experience, so that we may more properly judge the quality and the authenticity of his statements. Without burdening the Senate or the RECORD with all the details, since they are available in Who's Who, I believe a few references would be of value. For example, in 1909, Mr. Leiserson served as the commissioner on the employers' liability and unemployment board in the State of New York. He was the deputy industrial commissioner of Wisconsin, from 1911 to 1914. He was the Assistant Director of Research of the United States Commission on Industrial Relations, 1914 to 1915. He was professor of economics and political science, Toledo University, from 1915 to 1918. He was Chief of the Division of Labor Administration, United States Department of Labor, from 1918 to 1919. He was chairman of the labor adjustment board of the clothing industry, of Rochester, N. Y., from 1919 to 1921. He was chairman of the board of arbitration of the men's clothing industry of New York, from 1921 to 1923, and also at Baltimore and Chicago, from 1923 to 1926. He was professor of economics at Antioch College, from 1925 to 1934. He was secretary of the National Labor Board of the National Recovery Administration in 1933. He was Chairman of the Petroleum Labor Policy Board in 1934. He was Chairman of the National Mediation Board from 1934 to 1939. He was a member of the National Labor Relations Board from 1939 to 1943. He was Chairman of the National Mediation Board from 1943 to 1944. He has been visiting professor of Johns Hopkins University since 1944. He is a member of the American Economic Association and of other organizations which are listed in Who's Who. He has also worked with the unemployment compensation board for the State of New York and has performed other services in the field of labor-management relationships.

I make reference to Mr. Leiserson and his background simply because he has been a very outspoken critic of the Taft-Hartley law. Mr. Leiserson was referred to this afternoon repeatedly with respect to his attitude on the effectiveness of the injunction in the promotion of settlements in industrial disputes. I feel, without further evidence as to his background, it can be frankly and candidly stated that very few men in America have had a background of greater experience and training, or have demonstrated greater capability in the field of labor-management relationships than has Mr. Leiserson. I think it would be well for those of us who are having to make a judicious decision as to the type of labor law we want, not to rest our case upon those who at some time or other have indicated a special preference for one side or the other, nor upon those who may have been in the employment of one particular group or another, but rather to rely at least for some of the soundness of the testimony upon the background of men who have devoted a lifetime to service in this field.

I mention this because at the time the junior Senator from Minnesota was speaking from a prepared text in reference to the Taft-Hartley Act, I mentioned the name of one gentleman who had been on the National Labor Relations Board. I was severely criticized, and I may say, properly or improperly chastised, for having even as much as impugned in any way the integrity or ability or capability of that individual. The individual I referred to was Mr. Gerard D. Reilly, a former member of the National Labor Relations Board. I say, Mr. President, on the basis of record, on the basis of background, on the basis of devoted public service and experience in the field of labor-management relationships, Mr. Leiserson stands at the head of the list, and for that reason at least his statements should be given some validity on the part of those who are listening to them or who have read them, in reference to this debate.

Another gentleman referred to was one William Hammatt Davis, a very distinguished lawyer. Mr. Davis has said repeatedly that the emergency provisions of the Taft-Hartley Act simply did not work. Mr. Davis, for example, pointed out in reference to the dispute at the Oak Ridge atomic energy plant that the 80-day period was established by injunction, but the time went by, and there was no settlement. The controversy was just as acute when the injunction was discharged as it was on the day it was issued. Mr. Davis' name has been brought into the debate, and I think it should be crystal clear that very few men in this Nation have the background, the experience, and the training in labor-management relations of Mr. William H. Davis, who has been a severe critic of the emergency procedures of the Taft-Hartley Act, in fact, of all the procedures, with very few exceptions, of the Taft-Hartley Act.

It is not necessary to go over the long statement of biographical data on Mr. Davis, but I think it is important to note that his record is one that starts back in the year 1903, going right on through to 1949. In fact, it was the same Mr. Davis who was on the panel to adjudicate the dispute at the Oak Ridge atomic energy plant. It was the same Mr. Davis who was Chairman of the War Labor Board. It was the same Mr. Davis who on many occasions has been called upon by the Government of the United States to serve the public interest in the settlement of disputes. For example, he was Chairman of the National Defense Mediation Board from July 2, 1941 to January 12, 1942. He was Chairman of the National War Labor Board, and Director of the Office of Economic Stabilization. Likewise, he has served on the Emergency Board under the Railway Labor Act. He was chairman of the New York State Mediation Board.

I say, Mr. President, that men of this calibre and of this background cannot be cast aside, nor can their testimony. It is the testimony of giants in the field, the testimony of learned men, who have a wealth of experience, who have lived through these things, who speak on the basis of knowledge, not on the basis of theory or prophetic vision.

I refer to a third gentleman who has been mentioned in the debate and in the testimony, Dr. Nathan P. Feinsinger, of the University of Wisconsin. Dr. Feinsinger's testimony has been referred to in the debate. In his testimony, he pointed out the weaknesses of the emergency provisions, the injunctive provisions of the Taft-Hartley Act. His intellectual pedigree or experience table indicates work in the field of labor-management relationships starting in 1937,

when he was the special assistant to the attorney general of Wisconsin, assigned as general counsel to the Wisconsin Labor Relations Board. He was special agent for the National Defense Mediation Board. He worked with the National War Labor Board as chairman of the Trucking Commission and as associate general counsel. He was chairman of the fact-finding board in the steel dispute. He was chairman of the fact-finding board in the Pacific Gas & Electric Co. dispute. He was special representative of the Secretary of Labor in various disputes, including the west-coast shipping, Hawaiian sugar, pineapple, and longshoremen disputes. He was conciliator in two cases under the Wisconsin public utility compulsory arbitration law.

Mr. President, we who are advocating the Thomas bill, with the clarifying amendments which have been offered, have rested a great deal of our case upon the excellent testimony of these experienced, wise, and sound men in the field of labor-management relationships; and I rise today for the purpose not of defending their record, because it needs no defense, but to state again that the years of experience behind men of this caliber and the observations they have drawn from their experience should be of great merit to the Members of the Senate as they deliberate upon this very important piece of legislation.

As the second observation of today's debate I should like to state my own personal feelings with reference to the alternatives which have been offered. There was a long discussion in considering the Taft amendments to the Thomas bill providing for injunction and seizure. It is recognized that those amendments are changed from the original procedure of the Taft-Hartley Act. I recall that in the testimony before the Committee on Labor and Public Welfare the Senator from Ohio pointed out in a colloquy with Dr. William Davis that he did not feel, even at the time the Taft-Hartley bill was written, that the emergency injunction would be used as often as it was used. In fact, he specifically stated to Dr. Davis that he had not anticipated the use of the injunction in in the manner in which it had been used. Nevertheless, it was used, and it was used, as the junior Senator from Minnesota feels, without any great success.

The real question we need to ask is not whether seizure or injunctions work temporarily; the question is, Which of these procedures would promote the best settlement? Would the Thomas bill procedure or the Douglas-Aiken amendment procedure or the Taft amendment procedure work most satisfactorily? Which of these three would promote reconciliation in a dispute and best protect the general welfare?

I think the record is quite clear, despite the efforts of some persons to prove to the contrary, that 26 years of experience under the National Railway Labor Act is far superior to the 2 years of experience under the Taft-Hartley Act in the settlement of labor disputes. To anyone who wishes to be unbiased and to look at the matter with relative objectiveness, the record is completely clear, as the Senator from Illinois pointed out, that under the National Railway Labor Act the cooling-off period performed the same service in keeping the workers on the job voluntarily that the injunction performed by compulsion.

It has been stated on the floor that railway-labor groups are different. The fact is that the Debs injunction was used, if I am not mistaken, on railway labor. The fact is that the Wilkerson injunction was used in 1922 on railway labor. So railway labor is little or no different from labor in other aspects of the American economy. But when the provision was written into the National Railway Labor Act for a cooling-off period, stating that it was the policy of the Nation that a cooling-off period of 60 days would prevail, it is to the eternal credit of the railway workers of the Nation that they conformed without exception to that cooling-off period. All that an injunction accomplishes is to hold workers on the job, it never settles a dispute. A dispute must be settled around the bargaining table. The cooling-off period, under the National Railway Labor Act, has performed the important job of keeping men at their work far more efficiently than has any injunction, either before or after the Taft-Hartley Act was passed.

We must take our choice between the 23 years of experience under the National Railway Labor Act and the prophetic vision or guess or hope of the Taft amendment that it is going to work better than is the practical, demonstrated experience under the National Railway Labor Act. While I have great confidence in the prophetic vision of our colleagues, and great confidence in the knowledge of the labor law possessed by some of the distinguished Members of the Senate, the fact is no one can deny that 23 years of experience is superior to man-made prophetic vision on the floor of the Senate.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator from Minnesota agree with me that it would appear to be a fair assumption that the authors of the Taft-Hartley law are of the opinion that the injunction has not been necessary in the railway industry, as is evidenced by the fact that they have exempted railway employees from the operation of the Taft-Hartley law?

Mr. HUMPHREY. I am greatly appreciative of that statement. It must be that they felt the injunction was not necessary in that great segment of our economy. They must have had confidence that the railway workers and employers would live up to the policy of the land, or they would not have put in that exemption.

Mr. MORSE. Does the Senator agree that if it is possible to work out a procedure, short of an injunction, for the railroad industry, we should try to establish such a procedure for the rest of the workers?

Mr. HUMPHREY. That is exactly what we should be attempting to do. I submit to the Members of the Senate that we are not up in the stratosphere. The major industry of America is railroading. There is no industry which has as great assets, no industry which employs so many persons, no industry which has such an infinite mechanism of financial control, no industry which has such a great responsibility to the public, as has the great railroad industry. It has billions of dollars invested; it has hundreds of thousands of stockholders, with a host of companies all interrelated in the transportation system, with hundreds of thousands of employees. Despite the record of 1922, when the Wilkerson injunction was imposed upon railway workers, despite the Debs case, in which railroad workers were involved, it has worked out a procedure of settling disputes without the imposition of the injunction.

I think we are all grateful for the observation of the Senator from Oregon. We have an established pattern, Mr. President. We have an example before us, not a hypothesis, not a hypothetical situation, not something taken out of textbooks, but 23 years of experience.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I yield to the Senator from Louisiana.

Mr. LONG. Actually, is there not a distinction between the railroad industry and big business generally? In the railroad industry, railroad rates are limited to providing a fair return on investment. We do not find that situation in the steel, cement, or coal industries, or any other major unregulated industry, such as an industry which does not partake of the nature of a public utility. If the railroads agree to provide more wages for their employees, they go before the Interstate Commerce Commission and ask for an increase in rates so that they will receive the same amount of profit. In the long run, it is the consumer who pays the increase in rates and wages.

Mr. HUMPHREY. I think it is all the more difficult to maintain labor peace because many times the railroads do not receive the rate increases which they request. It was testified in the matter of railway mail pay that for more than 25 years, despite increase in equipment costs, the workers received increased wages but there was no increase in rates.

Mr. LONG. Any time the railroads can prove they are not receiving a fair return, they are entitled to appear before the Interstate Commerce Commission and ask for a rate increase based on increased costs.

Mr. HUMPHREY. The railroads for a period of time lost millions of dollars. They did not make any money. So the matter of fair return is a point which can well be disputed. When we got into the war the books of the railroads were in the red, and even at this hour they are testifying before the Interstate Commerce Commission that they are losing money.

All I am pointing out is that here is an established procedure in a major industry which has some restraints on it, which cannot raise its prices, as General Motors can tomorrow morning, or as United States Steel can tomorrow morning, or as a great mining company could tomorrow morning.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. Is it not also true that, in addition to the fact that the original Taft-Hartley law exempted railways from its provisions, so, too, section 307 of the emergency dispute amendment offered by the distinguished Senator from Ohio [Mr. TAFT] exempts railroads from its operation, as is evidenced by the fact that the language of the section is as follows:

> The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

Mr. HUMPHREY. That is true.

Mr. MORSE. Does the Senator from Minnesota agree with me that if we want to deal with hypotheticals, and let our imagination run a little wild, it is very easy to imagine a serious national emergency dispute involving the railroads?

Mr. HUMPHREY. One of the disputes which has been referred to as being extremely serious was the railway dispute of 1946. Yet, despite the railroad dispute of 1946, wherein even the President supposedly was not able to get the men back on the job, as was stated on the floor of the Senate this afternoon, despite the fact that this one industry, by a stoppage of transportation, could do more than any other to bring this country to its knees, the Senator from Ohio has not seen fit to apply the emergency procedures of his amendment, nor did the Taft-Hartley law itself apply its emergency procedures to the railroad industry, yet it is one of the industries in respect to which great difficulties, supposedly, recently arose.

What happened? A study of the facts informs us why the procedures of the Taft-Hartley Act were not applied to railroads. It was because in the case of the railroads there is a fact-finding board, with power to conciliate, mediate, and arbitrate. In the railroad case we had the force of public opinion, and despite what was supposedly going to tie up the whole Nation and bring it to its knees, the dispute was not settled by injunction, nor by the President of the United States going to the courts, but was settled by public opinion, and, as I pointed out the other day, by the fact that the President spoke out. I am very grateful that Members of the Senate and the House had the good sense to reject the request to put railway employees in the Army, but the fact is that one of the great disputes of the country was settled, not by compulsion, not by injunction, but by the procedures established under the National Railway Labor Act, and the force of public opinion.

Mr. TAFT. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from Ohio.

Mr. TAFT. Does the Senator think that the provisions of the National Mediation Act prohibiting the closed shop in the railway industry should be extended to other industries?

Mr. HUMPHREY. No, I do not. I will debate the closed shop on its own merits, and when we come to that, I shall be more than happy to engage the distinguished Senator from Ohio in debate on the closed shop. But let me point out, lest we digress into other pastures, that we are now talking about national emergencies, and let us confine our attention to that, because that was the big issue in the Taft-Hartley law, it was the fraud in the Taft-Hartley law, it was the subject of the great plea to the American people, and it is the subject of letters that come to Members of Congress which say, "Do not meet national emergencies as the law now provides." No one is more responsible for conveying the idea that the Taft-Hartley was a sort of a Houdini remedy to meet national emergencies than were the authors of the law.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. TAFT. I may say that I always took the position that I was least interested in that section. I personally had nothing to do with drawing it, and never advanced it as one of the chief merits of the Taft-Hartley law. But is the Senator speaking in favor of the Douglas amendment to my amendment, or speaking against the Douglas amendment?

Mr. HUMPHREY. Like the Senator from Ohio, the junior Senator from Minnesota needs time to develop his thoughts. What I am doing is to point out to the Senator from Ohio that if the choice shall be between the proposal of the Senator from Ohio and the proposal of the Senator from Illinois and the Senator from Vermont, of course there is no doubt what we would do. We would join with our friends from Illinois and Vermont, if that were the only choice. But, as I have said, I want another choice and I know the Senator from Illinois does. I think it is about time we came to our senses and started to realize what the other choice is. It is not one of fiction, or a figment of the imagination, or some kind of a prophetic vision. The other choice is the practical, demonstrated effectiveness of 23 years of labor-management relationship under the provisions outlined in the Thomas bill. I submit that no member of the Senate and no one who appeared before the committee can offer a record of labor-management peace or sound labor-management relationships that equals the experience under the provisions of the national Railway Labor Act. The Taft-Hartley law does not come close, it does not slide into first base, much less reach home plate. We have had the railroad industry at peace for 23 years, and we have not had a national emergency in that industry.

For years and years in America we have had labor-management disputes, and we never have had a national emergency board, and all at once there is written into law, "When there is a national emergency we will do certain things." The minute there is written into the law something about national emergencies, all at once we find all kinds of instances which can be called national emergencies.

It reminds me of folks who begin reading 10-cent mental health books and, when they notice a little spot in front of their eyes, think they must consult a psychiatrist to see if they do not need psychiatric treatment, when perhaps all they need is a good night's sleep.

What has been created under the Taft-Hartley Act is a new concept, "national emergency." National emergency procedures are written into the law; they have been applied seven times, and despite the fact that the procedure for the emergency which "threatened the health and welfare" of America in the 80-day period was applied, four times strikes continued, and I should like to ask, how is the Nation's welfare? Did the country go crumbling down? What happened was that the so-called national emergency was not a national emergency. As the Senator from Oregon pointed out yesterday, it was distressing, it was difficult, it was unfortunate, it caused trouble, people did not get along so well, but that was not a national emergency, unless we want to call everything an emergency. Let me say to my friends on the other side of the aisle that having emergencies is supposed to be our game. I am sorry to see that the Senators on the other side have moved in and tried to steal our show.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from Oregon.

Mr. MORSE. I hope the Senator will not misinterpret my speaking over here on the Democratic side, in view of his last remark.

Mr. HUMPHREY. I will say to the Senator from Oregon that I think this is where he should have been long ago.

Mr. MORSE. I have to come over here once in a while to watch you.

Mr. HUMPHREY. And, may I say, to help us.

Mr. MORSE. I am always glad to help you when you are right.

I wish to raise two questions. First, I take it for granted that the announcement the Senator from Minnesota just made about when he is going to make his final choice will not preclude the sponsors of the Morse amendment and of the Ives amendment from a fair chance to win the Senator's vote for their amendment.

Mr. HUMPHREY. I think one of the most healthy things that has happened in this debate, and the whole consideration of the labor-management relationships, is the newness of approach, the freshness of approach, the distinguished Senator from New York, and the distinguished Senator from Oregon have used. We owe both of them a debt of gratitude. I think they have opened up some new areas of thinking, and we should give them real consideration.

The junior Senator from Minnesota is vitally concerned, not in seeing what we can do in 60, 80, or 90 days, but how we can get a process for reconciling parties to disputes, how we can get a kind of procedure which, when we really have a national emergency, will take care of it. That is what I am after. I am not going to be committed to one particular formula or another until I have heard the whole debate, but to date experience tells me that the procedures which the distinguished Senator from Utah [Mr.

THOMAS] has outlined in his bill are the best procedures. They may have to be tightened up, they may need fixing, and I gather that is what the Senator from New York was attempting to do and what the Senator from Oregon was attempting to do, not to defeat those procedures, but to go beyond them. Is that correct?

Mr. MORSE. In no spirit of flattery at all, I think the obvious sincerity and open-mindedness of the Senator from Minnesota on this matter, as well as on all other matters I have heard him discuss, is highly to be commended.

The last question I want to ask him is based on two paragraphs in the minority report on the National Labor Relations Act of 1949, beginning with the last paragraph on page 56. The authors of the minority report state:

> We have cited the above quotation from the Mediation Board's report because it shows that two actions were necessary to prevent national paralysis—seizure and an injunction. S. 249 provides for neither. A prolonged strike in coal or shipping could just as effectively bring our economy to a standstill as one in railroads.

Then at the top of page 57 I read as follows:

> The 1948 railroad dispute described above has not been the only Nation-wide one. Just 2 years earlier, on May 23, 1946, there was a Nation-wide 2-day shut-down which only ended when the President came to the Congress requesting drastic legislation. That strike occurred after the unions had refused to accept the recommendations of an emergency board and after the President had seized the railroads. The amendment we propose combines seizure, injunction, and congressional action as additional remedies open to the President when the recommendations of the emergency board do not settle the dispute.

Does the Senator from Minnesota agree with me that in the interest of absolute clarity in this debate it should be said at this time that, of course, neither the Taft-Hartley law nor the Taft proposal for emergency dispute procedure would cover the railway situation which the Senator from Ohio discusses in the first paragraph on page 57, but it would cover the situation he discusses in the last paragraph on page 56, with respect to coal and shipping?

Mr. HUMPHREY. That is a correct observation.

Mr. MORSE. Does the Senator from Minnesota also agree with me that there is one phrase in the last sentence of the paragraph on page 56 which is very significant? I refer, of course, to the use of the words "a prolonged strike"—that a prolonged strike in coal or shipping could just as effectively bring our economy to a standstill as one in railroads.

Does the Senator from Minnesota believe that there would be a great probability or a serious danger of a prolonged strike in any one of our major industries if Congress should adopt a procedure whereby the Congress would be reconvened for the sole purpose of considering any threatened or actual strike in a major industry.

Mr. HUMPHREY. Of course, I do not believe that there would be any prolonged strike. I think that words such as "prolonged," adjectives or qualifying words, should be used more carefully. The definition should be more closely and accurately made. The fact, however, is that we cannot define accurately any such thing, because every national emergency is a specific case unto itself, with a specific set of facts and factors involved. Therefore, I say it is exceedingly difficult to get a pat formula to handle each and every individual little case. I think that was testified to by practically everyone who appeared before the Senate committee. So I think our job here is not to come barging in and rushing in on this matter. Frankly, I should like to see a little more time taken on the floor of the Senate, and undoubtedly there will be, to discuss the national emergency problems.

We are going to write an important law here. We are going to write a law that may mean the difference between a prosperous and a depressed America. We are going to write a law that may mean the difference between free labor and regimented labor. We are going to write a law here that may mean the difference between free and state-controlled enterprise.

Frankly, I do not believe that the burning question of today is whether we can end this matter in an hour, or tomorrow morning. I think the question is: What does the Senator from New York have to offer? Does he have a proposal which is worthy of our consideration? I want to hear him discuss it. I want to hear again, as I heard him yesterday, the Senator from Oregon discuss his proposal.

Frankly, as the Senator from Illinois said this afternoon, I do not think any of us want injunctions. At least those who have sponsored amendments which have been offered, other than the Taft amendment, do not want them. The amendment offered by the Senator from Oregon does not call for injunctions. The amendment offered by the Senator from New York does not call for injunctions. The Senator from Illinois has said specifically that he wants to get away from the procedure of either seizure or injunction if it is possible to get away from them. I do not think we are trying to be dogmatic about the matter. I think we ought to search for the answer that preserves the practices of free collective bargaining and free choice on the part of the individual.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. I wish to make a statement of explanation in the interest of accuracy. Of course, under my amendment, if after the Congress has been convened for the purpose of considering a particular case it should, by concurrent resolution, decide to except that particular case from the Norris-LaGuardia Act, then only in those limited instances could there be an injunction.

Mr. HUMPHREY. I understand that.

Mr. MORSE. My point is it would force Congress to focus its attention on a particular case, and as I said, I think the necessity for doing so would be very rare indeed.

Mr. HUMPHREY. Mr. President, in conclusion in reference to the amendments presented by the Senator from Ohio and his colleagues, I wish to quote from Dr. William M. Leiserson, long recognized as one of the leading authorities in the labor-management relationship field, and on the subject of procedures under the Taft-Hartley Act. I have quoted from him 10 times, but apparently it is necessary to quote from him again:

> The emergency procedures just went haywire * * * having no relation to the realities of what happens at this point in the labor-relations picture.

I refer also to the 1948 report of the Federal Mediation and Conciliation Service, which was quoted so extensively this afternoon by the Senator from Illinois, and I occasionally helped to fill in the quotations, wherein the sum and substance of what it said was that the national labor provisions of the Labor-Management Relations Act of 1947 were ineffective in solving the disputes in which they were invoked, and, according to Mr. Ching himself, instead of solving the disputes, they have aggravated the situation.

What more proof do Senators need? The injunction has aggravated the situation, according to Mr. Ching. The injunction has been a failure, according to Dr. Leiserson, Mr. Davis, and Mr. Feinsinger. The injunction has not brought the parties together. It has not provided a cooling-off situation. It has generated as the Senator from Illinois said, more heat. Surely in some two or three instances which can be mentioned it averted momentarily what somebody called a national emergency, but in four of the cases where the Nation's welfare was at stake, according to the findings, it failed miserably. It never performed on them.

If nothing more comes out of these debates, Mr. President, one thing should be crystal clear—and I repeat it again and again—that never, I suppose, in the case of a piece of legislation has there been greater distortion of fact and truth as to its application than in the case of the Taft-Hartley Act. It has failed miserably. It has failed even to do what was said it could do in terms of national emergency. It has failed in terms of being able to promote reconciliation between the parties. It has not promoted industrial peace. It has promoted arguments, just as we have them now on the floor of the Senate. It has promoted prolonged debates between lawyers over the technical details of the law. It has taken labor relations, if you please, away from the conference table and into the lawyer's offices and the courts. Labor relations are not only matters of legality. Labor-management relations are human relations, and capable of economic settlement.

There is no better way in a free enterprise economy to settle disputes about economics, than in a free way, with free choice between the parties, with the higgling and jiggling basis of collective bargaining.

I think the Thomas bill, as it has been amended, provides the better approach; not the final approach, not necessarily the complete answer, but the better approach to this very intricate problem. I submit to those who are trying to find the way out, to those who are attempting to be fair and judicial about this matter,

that one thing they can put down in their notebooks now is that the injunction process has been a miserable, a total, a flat failure. At this stage, with the evidence before us, it certainly does not seem to me to be good political sense and economic sense, or since some aspire to be statesmen, it does not seem to me to be good statesmanship to try to rewrite into a new law what has already proved unworkable and unworthy in an old law.

FREE TRADE AND UNEMPLOYMENT

Mr. MALONE. Mr. President, several significant straws in the wind are now pointing to a camel's back that has reached the breaking point. The camel's back is our employment, national security, and economic structure, which will surely collapse under the three-part free-trade policy long adopted by the State Department. Wind straws, focused toward that perilous situation, are flying from all over our country. They are gathering into a concerted demand for a sensible principle for the adjustment of our import duties to protect our floor under wages.

NEW YORK TIMES STORY

Recently the New York Times carried a story about the necessity of reimposing the duty on copper imports. It pointed out that, unless restrictions are placed on such imports, only a very few highly productive and mechanized mines can continue to operate, and then generally on a restrictive basis. The article also stresses a similar situation in the domestic oil industry and others in which this country has previously developed a foreign market.

THREAT TO OUR STANDARD OF LIVING

The perilous threat to our standard of living is obvious. Unless we establish a flexible import fee to protect our position in the world market we can expect increased unemployment, a sharp decrease in the profits and volume of industry, and an additional burden to government in the payment of benefits to unemployed workers.

UNEMPLOYMENT INCREASING

I should like to read the first paragraph of this dispatch:

With unemployment increasing and domestic business activity continuing to show a steady decline, demands for the levying of higher import duties on many items to hold at least the local markets may be expected to grow.

NEW INTEREST OF LABOR

Under the heading "New interest of labor," we find the following:

Although the prosperity that all have been enjoying was the result of abnormal conditions, which could not last indefinitely, indications are that both labor and management are going to fight hard to hold the domestic market in the readjustment period which now is believed to be starting.

MINING AND FACTORS IN COPPER SITUATION

Under the heading "Factors in copper situation," the writer says:

After the war, when domestic copper production could not meet the demand, the import duty on copper was suspended. This placed United States copper prices at the world level, and fabricators of the metal here could meet competition abroad.

So far as copper is concerned, there is one more factor. So long as the Congress of the United States manipulates, removes, and puts back import duties, and continues to dabble in the protection of the industries of this country, just so long will potential investors be scared off. There will be very little new money invested in the mining business. Neither new prospectors nor old, experienced prospectors and developers will look for new metal, or try to develop new mines.

What happened in the copper industry was this: During the war scare, so long as the foreign price remained higher or at the level of the cost of domestic production, just so long could the independent copper mines of the United States operate. But the Congress removed the 4-cent import fee. I argued then, just as I am arguing now, that if it were removed, when the foreign price dropped below the domestic cost of production every independent mine in the United States would close. It did drop below, and they have closed. Now we are trying to pass legislation to pay subsidies on strategic minerals to keep the mines open until Congress comes to its senses on proper import fee protection.

FOREIGN COMPETITION IN OIL

The oil industry is in the same position. Under the heading "Foreign competition in oil," the writer of this article says:

The domestic oil industry also is feeling the effects of competition from abroad. Last year, imports of crude oil and products into the United States averaged 513,000 barrels daily, reaching a peak of 645,000 daily in December (1948) when the price of fuel oil and some other products began to decline. At the same time the domestic industry started cutting back production to stave off a drop in crude oil prices.

Although imports have been reduced about 20 percent from the high level of last December, they still are coming in at a rate which is threatening the stability of the domestic crude oil market.

I saw the Middle East oil industry—perhaps every oil well in the Middle East, throughout Arabia, including Iraq, and old Persia, where the British have been since 1890. Fifty billion barrels of oil are blocked out. I predict that another 50,000,000,000 barrels will be discovered in the reasonably near future. Drilling operations are continuing.

What will be the effect? Oil from the Middle East can come into the United States well under the average oil production costs in the United States. Fuel for furnaces and for steam power has been furnished by coal and fuel oil. The employees of both industries are living very well. Wages are good and they are merely competing between themselves for the market; but when this new factor comes into the picture neither of them can compete in furnishing such fuel outside the area where the production is taking place. In other words, imports from the Middle East and other foreign areas might conceivably shut down many of the coal mines in the South and in the West, the great coal areas which are furnishing fuel outside their immediate areas for steam-power production and for furnaces. The same thing is true of oil. In other words, we can expect a severe cut-back and unemployment in both industries if we continue this three-part free-trade policy.

I should like to read one further paragraph from the New York Times article:

OTHER INDUSTRIES

A somewhat similar situation prevails in a few other industries in which the United States has developed a foreign market. The rebuilt and modernized factories of Europe, with their lower-wage scales, are now coming into production, and it may be expected that exports from here not only will decrease, but that pressure will be exerted by Europe to increase sales here.

THE THREE-PART FREE-TRADE PROGRAM

We all know what the three-part free-trade program is. It is simply a program including, first, making up the trade-balance deficits of all the countries in Europe in cash. Our chief export is cash. Second, the 1934 Trade Agreements Act, which will shortly come before the Senate for an extension of 3 years, simply forms a basis for the State Department to adopt—and it has adopted—a selective free-trade policy. At first they included only a few industries. Now they have included practically all the industries, and reduced the import fees and tariffs to the point where they are no longer effective. Therefore these imports will come in and destroy American labor and industry to a large extent. This is being done under the theory that the more the markets of the United States are divided among the nations of the world the less their trade balance deficits will be.

What is the third part? The third part is the International Trade Organization. The International Trade Organization is the copper rivet which rivets free trade to this country forever; and there is no chance of our getting back any authority to preserve the floor under wages and our standard of living. Let us see what it is. It consists of 58 nations. Fifty-four have already signed and the rest will sign, because there is nothing they can do but win under the system. There are 58 nations, with 58 votes. We have the same vote as Siam. To that organization of 58 nations we will assign our authority to fix import fees and tariffs which means the floor under wages will be regulated by the low-living-standard and slave-labor countries of Europe, Asia, and Africa. The 58 nations are supposed to meet once each year, and they will add up the remaining production and markets of the world and divide them, eventually, on the basis of population. We have the only markets in the world today where one can sell 10 cents worth of chewing gum and get the money, unless we have previously furnished the money to the foreign nation with which to buy it.

I have been in most of those nations in the past 2 years, since World War II. It is very clear all over the world that it is our market that they are dividing and wish to continue to divide. No other markets are available to divide.

THE FLEXIBLE IMPORT FEE

I intend to offer the flexible import fee about which I am speaking as a substitute for the 1943 Trade Agreements Act when it comes before us.

What is the flexible import fee? It is not new. We adopted it first in 1922, and again in 1930. It is now paragraph 336 of the present tariff act, but was never operative because the administration preferred to use the three-part free-trade program.

Under the flexible import fee the situation can be corrected when other nations manipulate the value of their currencies. Under an agreement providing for a set import fee, such as we have now, we know that foreign nations are on the verge of decreasing the value of their currencies. When they do so, they will come well under any trade agreement they have made, whereas under the flexible import fee the situation created by the lowering of the value of foreign currency which means cheaper labor, can be corrected.

Again, we know that foreign countries now are going into business; they are taking over certain parts of businesses, and are shipping products to other nations to establish markets there, and even are selling at below cost.

Mr. President, the flexible import fee would take care of that situation, so that those nations would simply meet a higher import fee when they lowered their own living standards and conditions of labor in order to come under an agreement. Thus, instead of encouraging them to lower their standard of living to come under a tariff or import fee fixed by a trade agreement, the flexible import fee would encourage them to raise their standard of living, because when they raised their standard of living they would immediately get credit through a corresponding lowering of the flexible import fee. And when they were living about like we are—then free trade would be the almost automatic result.

Mr. President, they have been doing this sort of thing for 50 years. But after they tried out the flexible import fee for a time, they would find that it was an incentive for them to raise their standard of living, instead of the present incentive for them to lower their standard of living, since they could pay the difference to their own people instead of into the United States Treasury.

INDUSTRY PINCHING OUT

Mr. President, this is not a theory. Fifty percent of the mines in the United States at the present time are closed down or severely curtailed in their operations. The textile industry and hundreds of other businesses are in the same decline. There is no cure for that situation except to provide a differential in cost of production between this Nation and where our competition is located in each particular product. The flexible import fee is simply a means of establishing a floor under wages.

DEPRESSION FACTORS

Mr. President, it is said that in this country there is plenty of money ready to be spent, and that the purchasing power is high, and that the usual factors do not point to a depression. However, other countries will soon have most of our market unless something is done, for today we are dividing our market with foreign nations, which is the source of our income. We have never done that before. That is a factor which has not been taken into consideration. Instead of taking it into consideration, over in France at the present time our representatives are trying further to reduce our import fees, while at the same time England makes with Argentina a bilateral agreement under which England will furnish oil products, produced with our ECA money, and in return will obtain meat products from Argentina.

BILATERAL AND MULTILATERAL TRADE TREATIES

Of course, when we make a treaty with one nation, every other nation of the world, under our multilateral policy, obtains advantage of whatever concessions we give to that nation. On the contrary, all other nations deal bilaterally with each other, and we get no advantage from their trade treaties.

It will be remembered that earlier in the session I placed in the RECORD several trade treaties which are among 88 such treaties which had been made between some of the 16 nations participating in the Marshall plan or receiving its benefits and Russia and the countries behind the iron curtain. They are bilateral treaties, made with nations which were supposed to be getting ready for war upon us. So indirectly we have been arming Russia and the countries behind the iron curtain for a third world war. That had not been denied on the floor of the Senate. If it is denied, we shall present the treaties again.

Mr. President, there are now more than 5,000,000 men and women, good Americans, unemployed, and there are probably ten or twelve million partly unemployed, and the number is growing every day under the influence of the three-part, free-trade program of the State Department.

Mr. President, in the hope that the article entitled "Import Duty Rise Sought in Slump" by J. H. Carmical, appearing in the New York Times of June 12, will be read by every Member of this body, because it bears on the problem, I ask unanimous consent to have the article inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPORT DUTY RISE SOUGHT IN SLUMP—MOVES IN CONGRESS ON COPPER INDICATE LINE OF STRATEGY TO HOLD LOCAL MARKETS—PAY DIFFERENTIALS CITED—LABOR IS EXPECTED TO AUGMENT PLEAS OF INDUSTRIES FOR AID IN READJUSTMENT PERIOD

(By J. H. Carmical)

With unemployment increasing and domestic business activity continuing to show a steady decline, demands for the levying of higher import duties on many items to hold at least the local markets may be expected to grow.

The first important move in that direction was started last week when the Members of Congress from the principal mining States introduced bills in both houses to reimpose the duty on copper imports.

To meet the pent-up demand for goods caused by the war, business activity in the United States has been at maximum levels for a sustained period. The foreign aid programs, including the Marshall Plan through which industries in Europe are being rebuilt, have been an added factor in the domestic industrial activity.

These two factors have been largely responsible for domestic industries being able so far to sell their maximum production and to employ the greatest number of workers in history and at the highest wages. Corporation profits, too, have been at record levels despite high wages and taxes.

NEW INTEREST OF LABOR

Although the prosperity that all have been enjoying was the result of abnormal conditions, which could not last indefinitely, indications are that both labor and management are going to fight hard to hold the domestic market in the readjustment period which now is believed to be starting.

Previously, labor has not been particularly interested in the United States levying heavy import duties to protect domestic industry. This field generally has been left to investors. In recent years, however, labor has become highly organized and its leaders are now quick to point out the difference in wage levels here and abroad when an industry is threatened with curtailment as a result of imports from low-cost producing areas.

Until the depression of the 1930's copper had been permitted to come here free of duty. However with the development of copper production in Africa and the use of the cheap native labor at about one-tenth the wage paid to United States miners, there was a demand from both labor and copper-mine owners for an import duty which was enacted by Congress with very little opposition.

FACTORS IN COPPER SITUATION

After the war, when domestic copper production could not meet the demand, the import duty on copper was suspended. This placed United States copper prices at the world level, and fabricators of the metal here could meet competition abroad.

But now that the demand for copper in the domestic market is sharply below the present capacity to produce, and virtually every domestic mining company has had to restrict production and lay off employees, almost the entire domestic copper industry is behind the present movement to reimpose the import duty on the metal.

Unless restrictions are put on imports there is fear that the price of copper, which has declined from 23½ cents a pound to 17 cents, might drop to a level where only a very few of the low-cost producers, whose mines are highly mechanized, could operate profitably.

Such a situation would mean a heavy increase in unemployment, with an additional burden to Government in the payment of benefits and a sharp decrease in the profits of the industry, which would result in reduced tax payments.

FOREIGN COMPETITION IN OIL

The domestic oil industry also is feeling the effects of competition from abroad. Last year, imports of crude oil and products into the United States averaged 513,000 barrels daily, reaching a peak of 645,000 daily in December when the price of fuel oil and some other products began to decline. At the same time the domestic industry started cutting back production to stave off a drop in crude oil prices.

Although imports have been reduced about 20 percent from the high level of last December, they still are coming in at a rate which is threatening the stability of the domestic crude oil market.

Numerous price adjustments have been made across the country in heavy grades of crude oil and some executives in the industry expect some reduction in the price of light grade in the near future.

To absorb imports and keep domestic production in line with demand, it is estimated in the industry that some 900,000 barrels daily of crude oil production has been shut-in. Last week, Esso Standard Oil Co. reduced its crude oil purchases in Louisiana, Arkansas, and Mississippi by 15 percent to ease its storage situation.

This action reportedly contributed to an order by the Arkansas Oil and Gas Commission for a similar cut-back in permissible crude oil production in all the State's controlled fields.

INDEPENDENTS FOR TARIFF RISE

The cut in the production rate, which has resulted in lower profits and some unemployment, has brought a demand from the independent producers for an increase in the tariff on oil imports into this country.

In the event of a reduction in the price of light grades of crude oil, efforts of the independent producers to increase import duties are expected to receive additional support.

A somewhat similar situation prevails in a few other industries in which the United States has developed a foreign market. The rebuilt and modernized factories of Europe, with their lower wage scales, are now coming into production, and it may be expected that exports from here not only will decrease, but that pressure will be exerted by Europe to increase sales here.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. FREAR in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Benjamin J. McKinney, of Arizona, to be United States marshal for the district of Arizona, which was referred to the Committee on the Judiciary.

CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE—REMOVAL OF INJUNCTION OF SECRECY

The PRESIDING OFFICER. As in executive session, the Chair lays before the Senate a message from the President of the United States, transmitting Executive O, Eighty-first Congress, first session, a convention on the prevention and punishment of the crime of genocide, adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948, and signed on behalf of the United States on December 11, 1948. Without objection, the injunction of secrecy will be removed from the convention, and the message from the President, together with the convention will be referred to the Committee on Foreign Relations, and the message from the President will be printed in the RECORD. The Chair hears no objection.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948, and signed on behalf of the United States on December 11, 1948.

The character of the convention is explained in the enclosed report of the Acting Secretary of State. I endorse the recommendations of the Acting Secretary of State in his report and urge that the Senate advise and consent to my ratification of this convention.

In my letter of February 5, 1947, transmitting to the Congress my first annual report on the activities of the United Nations and the participation of the United States therein, I pointed out that one of the important achievements of the General Assembly's first session was the agreement of the members of the United Nations that genocide constitutes a crime under international law. I also emphasized that America has long been a symbol of freedom and democratic progress to peoples less favored than we have been, and that we must maintain their belief in us by our policies and our acts.

By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving its advice and consent to my ratification of this Convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice.

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 16, 1949.*

(Enclosures: 1. Report of the Acting Secretary of State. 2. Certified copy of Convention on the Prevention and Punishment of Genocide.)

RECESS

Mr. HILL. I move that the Senate now stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m.) the Senate took a recess until tomorrow, Friday, June 17, 1949, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate June 16 (legislative day, June 2), 1949:

UNITED STATES MARSHAL

Benjamin J. McKinney, of Arizona, to be United States marshal for the district of Arizona. He is now serving in this office under an appointment which expired September 21, 1948.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16 (legislative day of June 2), 1949:

IN THE ARMY

APPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES

The following-named officers for appointment in the Regular Army of the United States to the grades indicated under the provisions of title V of the Officer Personnel Act of 1947:

To be major general

Maj. Gen. John Ernest Dahlquist, O7120.

To be brigadier generals

Brig. Gen. Hugh French Thomason Hoffman, O12353.

Brig. Gen. John Howell Collier, O12388.

Brig. Gen. Robert William Crichlow, Jr., O12430.

Brig. Gen. Claude Birkett Ferenbaugh, O12479.

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of section 515 of the Officer Personnel Act of 1947:

To be major generals

Brig. Gen. Robinson Earl Duff, O7388.
Brig. Gen. Thomas Wade Herren, O7430.
Brig. Gen. Alonzo Patrick Fox, O8434.

To be brigadier generals

Col. Roland Paget Shugg, O4476.
Col. Stanley Raymond Mickelsen, O7042.
Col. Frank Albert Allen, Jr., O7415.

APPOINTMENTS IN THE REGULAR ARMY

The following-named persons for appointment in the Regular Army of the United States in the grades and corps specified, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), title II of the act of August 5, 1947 (Public Law 365, 80th Cong.), and Public Law 36, Eightieth Congress:

To be majors

Fred A. Heimstra, MC, O23575.
Isidore Markowitz, MC, O318336.
Joseph T. Sullivan, MC, O329414.

To be captains

Paul E. Edson, DC, O23349.
George D. Gordon, DC, O368420.
Arthur B. Harris, DC.
Henry J. Krawczek, MC, O1765338.
Hubert W. Merchant, DC, O487380.
Stephen Mourat, MC, O1746566.
Donald W. Pohl, DC, O1785229.
Ralph B. Smith, MC, O479939.
Bagher Sotoodeh, MC.

To be first lieutenants

Elmer V. Ayres, DC, O945358.
Frederick C. Barrett, MC, O1705321.
Otto C. Brosius, MC.
Robert G. Campbell, MC.
John A. Chapman, DC, O1757007.
Kenneth P. Crawford, MC, O1746504.
Henry F. Fancy, MC, O1704955.
Albert B. Finch, Jr., MC, O1736177.
Douglas W. Frerichs, MC.
Franklin Y. Gates, Jr., MC.
Bruce N. Gillaspey, JAGC, O397033.
Kenneth J. Hovanic, MC, O1745883.
Irvine G. Jordan, Jr., MC, O1776424.
Winchester Kelso, Jr., JAGC, O1825863.
Marvin G. Krieger, JAGC, O426667.
Thomas S. Martin, MC, O1766625.
Robert M. Moore, Jr., MC, O1746872.
Nicholas H. Nauert, Jr., MC, O1767422.
Alan H. Reckhow, MC, O936914.
Robert T. Reese, DC, O965289.
Charles J. Ruth, MC.
Thomas M. Sterling, JAGC, O386287.
Lee B. Stevenson, MC, O1757072.
Lucian Szmyd, DC, O959920.
Ernest O. Theilen, MC.
Ernest R. Trice, MC.
Richard K. Vogel, MC.
Rhey Walker, MC.
Robert K. Weaver, JAGC, O56993.
Thomas J. Whelan, MC, O935967.
Ralph L. White, MC.

To be second lieutenants

Margaret L. DuPlease, ANC, N754900.
Gladys J. Gallineri, ANC, N768774.
Julia E. Hambrick, ANC, N797025.
Margaret A. Josway, ANC, N769379.
Margaret E. Knox, ANC, N767882.
Betty L. Madden, ANC, N792137.

The following-named persons, subject to completion of internship, for appointment in the Medical Corps, Regular Army of the United States, in the grade of first lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.):

Benjamin L. Archer, O958877.
George W. Barker, Jr., O956687.
William R. Beisel, O956160.
William J. Belliveau, O959004.
Leland M. Bitner, O959008.
Alexander M. Boysen, O960851.
Carl O. Brackebusch, O956161.

Donald G. W. Brooking, O960852.
David P. Buchanan, O958450.
Charles E. Butterworth, Jr., O961447.
Irvin W. Cavedo, Jr., O954966.
Bruce F. Chandler, O961446.
Richard K. Cole, Jr., O960461.
Robert A. Collins, Jr., O956686.
Warren J. Collins, O958604.
William J. Conroy, O961452.
Robert F. Conway, O959005.
William F. Crepps, O962922.
John B. Crow, O961686.
Albert J. Davis, Jr. O956012.
William J. Dean, O960855.
Arthur C. Dietrick, O958944.
Donald L. Duerk, O960858.
Orin B. Elliott, O959003.
Robert A. Etherington, O958945.
Donald F. Farrell, O949505.
Gordon E. Gifford, O954269.
Cleston W. Gilpatrick.
Joseph L. Girardeau, O963953.
Donald H. Glew, Jr., O954653.
Frederick D. Good, O955523.
Purdue L. Gould, O961444.
Leon D. Graybill, O958942.
Robert J. Hall, O962924.
James F. Hammill, O947937.
William R. Hancock, O956688.
Joseph L. Hannon, O958512.
Ira B. Harrison, O960863.
James W. Haynes, O954273.
Charles L. Hedberg, O958767.
Armand E. Hendee, O960466.
Boyd C. Hindall, O961685.
Harry F. Hurd, O959344.
Robert W. Irvin, Jr., O954967.
William H. Isham, O961039.
Edward J. Jahnke, Jr., O959628.
Park C. Jeans, Jr., O960864.
Edward H. Johnston, O947903.
Sheldon W. Joseph, O960865.
Albert J. Kanter, O953887.
Cecil H. Kimball, O969233.
Harold Kolansky, O959040.
James M. Lauderdale, O958509.
Boude B. Leavel, O959629.
John B. Logan, O960468.
Donald R. Lyon, O963147.
Roscoe E. Mason, O961692.
William C. Matousek, O959002.
Richard E. McGovern, O958947.
Carter L. Meadows, O962728.
Raymond C. Mellinger, O961945.
Charles A. Moore, O959343.
Kenneth N. Morese, O962717.
Robert W. Moseley, O954958.
Thomas H. Moseley, O954959.
Robert H. Moser, O960867.
Arthur A. Murray, O959271.
John T. Olive, O963267.
Lawrence J. Oot, O960470.
Kenneth N. Owens, O959205.
John H. Painter, O958507.
John W. Payne, O953809.
Francis J. Peisel, O958453.
William G. Phippen, O959001.
Donald G. Pocock, O961440.
James R. Prest, Jr., O958885.
Anthony J. Puglisi, O966542.
Gordon K. Pyles, O957131.
Robert K. Rawers, O954275.
Robert W. Regan, O959614.
Robert H. Reid, O961941.
Charles W. Roth, O961041.
Samuel M. Rothermel, O959272.
William D. Sanderson, O953810.
John E. Scott, O959006.
Richard L. Sedlacek, O948544.
Lee S. Serfas, O961437.
John H. Sharp, O954277.
Jacques L. Sherman, Jr., O1284592.
Alvin Sholk, O962721.
Lee A. Steele, O959245.
Robert J. Steinborg, O960869.
Billie G. Streete, O958951.
Frank L. Swift, O959038.
Arthur A. Terrill, O959342.
Paul E. Tesehan, O960870.
Nathaniel A. Thornton II, O956685.
David M. Tormey, O961043.
Molloy G. Veal, Jr., O958886.
David W. Wardell, O961044.
George W. Weber, O961938.
William H. Weingarten, O960872.
William H. Whitmore, Jr., O954964.
Robert C. Wingfield, O962722.
William H. Wright, O958939.

The following-named persons for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.):

James W. Ferguson.
Melvin E. King.
William G. Myers.
Neil G. Nelson.
Joseph F. Schwartz III, O956244.

The following-named person, subject to designation as a distinguished military graduate, for appointment in the Medical Service Corps, Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.):

Lester M. Bornstein.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 16, 1949

The House met at 11 o'clock a. m.

Dr. W. Norman Greenway, Greenville, S. C., offered the following prayer:

Our gracious Heavenly Father, we thank Thee for every mercy Thou hast bestowed upon us; we thank Thee for Thy great grace to us. We thank Thee for the great salvation which has been provided for us through Thy Son, Jesus Christ. We are thankful, our Father, for the freedom and liberty enjoyed by the people of this mighty Nation. May Thy spirit lead in the deliberations of this body of men who are instrumental in directing the affairs of the free people of this country. We pray that Christ may be glorified in the decisions of our leaders and that our glorious freedom may be maintained from generation to generation. May Thy infallible word be our sure foundation for the future. We ask these things in the name of Jesus Christ our Lord and for His glory. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5060. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1950, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. CHAVEZ, Mr. MCKELLAR, Mr. BRIDGES, and Mr. SALTONSTALL to be the conferees on the part of the Senate.

EXTENSION OF REMARKS

Mr. MARTIN of Massachusetts asked and was given permission to extend his remarks in the RECORD and include an address delivered by his colleague the gentleman from New York [Mr. MACY].

Mr. TAURIELLO asked and was given permission to extend his remarks in the RECORD in three instances and include editorials appearing in the Buffalo Courier and the Buffalo News.

Mr. RODINO asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

EXTENDING BENEFITS TO FILIPINOS IMPRISONED DURING JAPANESE OCCUPATION

Mr. CAVALCANTE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CAVALCANTE. Mr. Speaker, on May 17, 1949, the First Congress of the Republic of the Philippines, fourth session, adopted the following resolution:

Senate Resolution 94

Resolution requesting the Congress of the United States of America to extend the benefits of Public Law 896, Eightieth Congress, chapter 826, second session, to Filipinos imprisoned during the Japanese occupation for political activities

Whereas the Congress of the United States of America, in Public Law 896, Eightieth Congress, chapter 826, second session, has extended certain benefits to civilian American citizens captured by the Japanese Imperial Government on or after December 7, 1941, in the Philippines;

Whereas during the entire period of Japanese occupation in the Philippines, countless Filipinos were captured and imprisoned by the Japanese Imperial Army, its officers and soldiers, for political activities or for having been suspected of engaging in such political activities;

Whereas many of the Filipinos who were so captured and imprisoned by the Imperial Japanese Army, its officers and soldiers, were killed or were injured, while many others suffered greatly by reasons of their confinement: Now, therefore, be it

Resolved, That the Senate request, as it hereby requests, the Congress of the United States of America to extend the benefits of Public Law 896, Eightieth Congress, chapter 826, second session, to Filipinos imprisoned during the Japanese occupation by the Imperial Japanese Army, its officers or soldiers, for political activities or for having been suspected of engaging in such political activities.

Adopted May 17, 1949.

I hereby certify that the foregoing Senate Resolution No. 94, First Congress of the Republic of the Philippines, was adopted by the Senate on May 17, 1949.

[SEAL] CÉSAR DE LANAJÁBAL,
Acting Secretary of the Senate.

SPECIAL ORDER GRANTED

Mr. HOLIFIELD asked and was given permission to address the House for 20 minutes on Monday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered.

PUBLIC HOUSING

Mr. COLE of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.